CITY OF NEWBURGH
COUNCIL MEETING AGENDA
SESION GENERAL DEL CONSEJAL
February 22, 2016
7:00 PM

Mayor/Alcaldesa

1. Prayer/Rezo
2. Pledge of Allegiance/Juramento a la Alianza

City Clerk:/Secretaria de la Ciudad

3. Roll Call/ Lista de asistencia

Communications/Communicaciones

4. Approval of the minutes of the meeting of February 8, 2016
   Aprobación del acta de la reunión del 8 de Febrero del 2016
5. Comptroller's Monthly Financial Report/ Informe Financiero Mensual del Contralor
6. City Manager Update/ Gerente de la Cuidad pone al dia la audiencia de los planes de cada departamento
7. Public Hearing for CDBG Budget
   Audiencia Publica para el Presupuesto de CDBG

Presentations/Presentaciones

8. Black History Month Presentation
   Certificates of Recognition will be presented to City of Newburgh Residents to celebrate Black History Month.

   Certificados de Reconocimiento serán presentados a Residentes de la Ciudad de Newburgh en celebración del Mes de la Historia Afroamericana.

9. Black History Month Presentation
   A presentation will be given by Excelsior Academy's U.S. History Class from the Newburgh Free Academy.

   La Clase de Historia de los Estados Unidos de la Academia Excelsior de la Academia Newburgh Free hará una presentación.

10. Black History Month Presentation

    Certificates of Recognition will be presented to the Excelsior Academy's U.S. History Class.

    Certificados de Reconocimiento serán presentados a la clase de Historia de los Estados Unidos de la Academia Excelsior

11. Fire Department Recognition

    Recognition and Diploma will be presented to Fire Captain William F. Horton for graduating from the Executive Fire Officers Program at the national Fire Academy

    Un Reconocimiento y Diploma serán presentados al Capitán de Bomberos William F. Horton por haberse graduado del Programa Ejecutivo de Oficiales de Bomberos en la Academia Nacional de Bomberos.

Comments from the public regarding the agenda/Comentarios del público con respecto a la agenda

Comments from the Council regarding the agenda/Comentarios del Consejo con respecto a la agenda

City Manager's Report/ Informe del Gerente de la Ciudad

12. Resolution No. 37 - 2016 - Declaring February 22, 2016 Hilda G. Best Day in the City of Newburgh

    A Resolution of the City Council of the City of Newburgh Declaring February 22, 2016 as Hilda G. Best Day in the City of Newburgh

    Una Resolución del Consejo de la Ciudad de Newburgh declarando el 22 de Febrero del 2016 como el Dia de Hilda G. Best en la Ciudad de Newburgh.

13. Resolution No. 38 - 2016 - Bond Resolution for the City of Newburgh Adopted February 22, 2016

    Bond resolution of the City of Newburgh, New York, adopted February 22, 2016, authorizing various capital projects in and for the City, stating the estimated total cost thereof is $7,520,000, appropriating said amount therefor, and authorizing the issuance of not to exceed $7,520,000 bonds of said City to finance said appropriation and authorizing the application of any aid received from the State of New York to be expended towards the cost of said object or purpose or redemption of the city's obligations issued therefor, or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds. (John Aber)

    Una resolución para un certificado de deuda de la Ciudad de Newburgh, Nueva York, adoptada el 2 de Febrero del 2016, autorizando varios

proyectos de recursos económicos en y para la Ciudad, declarando que el costo estimado de ahí es $7,520,000, presupuestando tal cantidad y autorizando la entrega que no exceda $7,520,000 en certificados de deuda de dicha Ciudad para financiar el presupuesto y autorizando la aplicación de cualquier ayuda recibida del Estado de Nueva York para ser gastado en el costo de dicho fin o propósito o reembolso de las obligaciones de la Ciudad decretado aquí, o para ser presupuestado para balancear los impuestos del pago del principal e interés de dicho certificado de deuda. (John Aber)

14. Resolution No. 39 - 2016 - Quassaick Creek Corridor/West Trunk Sewer Improvements Project SEQRA Determination

    A Resolution of the City Council of the City of Newburgh under State Environmental Quality Review Act (SEQRA) for the West Trunkline Sewer Corridor Improvements Project Accepting as Complete a Full Environmental Assessment Form and Issuing A Negative Declaration. (Jason Morris)

    Una resolución del Consejo de la Ciudad de Newburgh bajo el Acta de Revisión de Calidad Ambiental (SEQRA) para el proyecto de Mejoramiento de las Líneas Troncales Occidentales del Alcantarillado aceptando como Completado un Formulario de Evaluación Ambiental Completo y Emitiendo una Declaración Negativa. (Jason Morris)

15. Resolution No. 40 - 2016 - Chazen Proposal to Develop Green Infrastructure Code Revisions (Phase-I LTCP) and Compliance Order Proposal

    A Resolution Authorizing the City Manager to enter into an Agreement for Professional Engineering Services with The Chazen Companies in an amount not to exceed $155,000.00 in connection with Phase 1 of the Long Term Control Plan and the Environmental Protection Agency Administrative Compliance Order 02-2016-3013. (Jason Morris)

    Una Resolución Autorizando al Gerente de la Ciudad a entrar en un Acuerdo para Servicios de Ingeniería Profesionales con las Empresas Chazen por una cantidad que no exceda de $155,000.00 en relación con la fase 1 del Plan de Control a Largo Plazo y la Orden de Cumplimiento Administrativa de la Agencia de Protección Ambiental 02-2016-3013. (Jason Morris)

16. Resolution No. 41 - 2016 - MS4 3rd Party Certification Statement

    A Resolution Adopting a Certification Form for Contractors, Vendors and Volunteers for Work Performed on behalf of the City in connection with the City's Stormwater Management Program. (Jason Morris)

    Una resolución adoptando un formulario de certificación para Contratistas, Vendedores y Voluntarios por trabajos realizados en nombre de la Ciudad en relación con el Programa de Manejo de Aguas Pluviales de la Ciudad.

(Jason Morris)

17. Resolution No. 42-2016 - authorizing Release of Covenants for 205 Broadway

    A Resolution Authorizing the Execution of a Release of Restrictive Covenants and Right of Re-Entry from a Deed Issued to Merl G. Hutto and Joseph R. Walkiewicz to the Premises known as 205 Broadway (Section 35, Block 2, Lot 19) (Michelle Kelson)

    Una Resolución que autorice la ejecución de una liberación de convenios restrictivos y derecho de reingreso de una escritura emitida a Merl G. Hutto y Joseph R. Walkiewicz a las Instalaciones conocidas como la 205 de Broadway (Sección 35, Bloque 2, Lote 19) (Michelle Kelson)

18. Resolution No. 43 - 2016 - Newburgh Housing Development Fund Company, Inc.

    A Resolution of the City Council Re-Authorizing the Newburgh Housing Development Fund Company, Inc. as a Key Component of the City of Newburgh's Distressed Property Remediation Policy. (Madeline Fletcher, Deirdre Glenn & Michelle Kelson)

    Una Resolución del Consejo de la Ciudad autorizando nuevamente a la Compañía, Inc. de Fondo de Desarrollo de Viviendas de Newburgh como un Componente Clave de la Póliza de remediación de Propiedades Desamparadas de la Ciudad de Newburgh. (Madeline Fletcher, Deirdre Glenn & Michelle Kelson)

19. Resolution No. 44 - 2016 - Watercraft Inspection Stewards Program

    A resolution supporting the grant application of the Hudson River Sloop *Clearwater* to the New York State Department of Environmental Conservation for funding of a Watercraft Inspection Steward Program at the Washington Street boat launch ramp. (Samantha Epstein)

    Una resolución apoyando a la beca solicitada para el "Hudson River Sloop Clearwater" al Departamento de Conservación del Medio Ambiente del Estado de Nueva York para la financiación de un programa administrativo de inspección de Embarcaciones en la rampa de lanzamiento ubicada en la Calle Washington. (Samantha Epstein)

20. Resolution No. 45 - 2016 - Auxiliary Police

    A resolution authorizing the City Manager to accept donations for the City of Newburgh Auxiliary Police. (Chief Dan Cameron)

    Una Resolución autorizando al Gerente de la Ciudad a aceptar donaciones para la Policía Auxiliar de la Ciudad de Newburgh (Chief Dan Cameron)

21. Resolution No. 46 - 2016 - Get Crash Reports

A resolution authorizing the City Manager to execute an agreement with Appriss, Inc. D/B/A GetCrashReports.com to provide external accident reporting management services to the City of Newburgh Police Department. (Chief Daniel Cameron)

Una resolución autorizando al Gerente de la Ciudad a ejecutar un acuerdo con Appriss, Inc. D/B/A GetCrashReports.com para ofrecer informes de accidentes externos al Departamento de Policía de la Ciudad de Newburgh.
(Chief Daniel Cameron)

22. Resolution No. 47 - 2016 - 2016 Council Rules and Order of Procedure

A Resolution Adopting Rules of Order and Procedure for the Council of the City of Newburgh for the Year 2016. (Michelle Kelson)

Una Resolución Adoptando Reglas de Orden y Procedimiento para el Consejo de la Ciudad de Newburgh para el año 2016. (Michelle Kelson)

23. Resolution No. 48 - 2016 - 44 Johnes Street

A resolution rescinding Resolution No. 291-2015 of November 9, 2015 which authorized the City Manager to enter into a lease with George Figueroa for the rental of 44 Johnes Street Unit 206-J (Michelle Kelson)

Una resolución rescindiendo Resolución No. 291-2015 del 9 de Noviembre del 2015 la cual autorizaba al Gerente de la Ciudad a entrar en un contrato de arrendamiento con George Figueroa por el alquiler de la 44 de la Calle Johnes Unidad 206-J (Michelle Kelson)

24. Resolution No. 49 - 2016 - Tax Certiorari Proceedings Rite Aid

A resolution approving the Consent Judgment and authorizing the City Manager to sign such Consent Judgment in connection with the Tax Certiorari proceedings against the City of Newburgh in the Orange County Supreme Court bearing Orange County Index Nos. 6147-2012, 5375-2013, 4945-2014 and 5163-2015 involving Section 34, Block 4, Lot 1.12 (Rite Aid of New York #10709-01) (Michelle Kelson)

Una resolución que aprueba la Sentencia de Consentimiento y autoriza al Gerente de la Ciudad a firmar tal Sentencia de Consentimiento en conexión con los procedimientos de Avocación Fiscal de Impuestos en contra de la Ciudad de Newburgh en la Corte Suprema del Condado de Orange relacionado en el Condado de Orange con los números de Índex 6147-2012, 5375-2013, 4945-2014 y 5163-2015 involucrando la sección 34, bloque 4, Lote 1.12 (Rite Aid de Nueva York #10709-01) (Michelle Kelson)

Old Business: / Asuntos Pendientes

New Business: / Nuevos Negocios

Public Comments Regarding General Matters of City Business

Final Comments from the City Council/ Comentarios Finales del Ayuntamiento:

Adjournment/ Aplazamiento:

RESOLUTION NO. _37_____, 2016

OF

FEBRUARY 22, 2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH DECLARING FEBRUARY 22, 2016 AS HILDA G. BEST DAY IN THE CITY OF NEWBURGH

WHEREAS, Hilda G. Best was born and raised in Newburgh, New York, the daughter of The Rev. and Mrs. James L. Best; and

WHEREAS, she was educated here, graduating from Newburgh Free Academy in 1950, 27th in academic standing in a class of 321; and

WHEREAS, Miss Best went on to graduate from the Bryant College of Business Administration; and

WHEREAS, Miss Best was working for the Community Workers Association as a secretary under director Glenn Hines when then-Newburgh City Manager Donald H. Blatt informed Mr. Hines that he was looking for a qualified person to serve as his confidential secretary; and

WHEREAS, Mr. Hines highly recommended Miss Best, who upon being interviewed by Mr. Blatt was immediately hired by him to be his confidential secretary beginning on March 1, 1954; and

WHEREAS, this made Miss Best the first African-American to be hired for a position in Newburgh's City Hall; and

WHEREAS, Miss Best later married Gordon Campbell and went on to a successful career as medical secretary at the Yale-New Haven Medical Center, bringing further honor to the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newburgh that this 22nd day of February, 2016 be officially declared "Hilda Best Day" in Newburgh, and that a copy of this resolution be presented to Ms. Best's daughter, Ada Campbell, with the gratitude of the People of the City.

EXTRACT OF MINUTES

Meeting of the City Council of the

City of Newburgh, in the

County of Orange, New York

February 22, 2016

* * *

A regular meeting of the City Council of the City of Newburgh, in the County of Orange, New York, was held at the City Hall, Newburgh, New York, on February 22, 2016, at _____ o'clock P.M. (Prevailing Time).

There were present: Hon. Judy Kennedy, Mayor; and

Councilpersons:

There were absent:

Also present: Lorene Vitek, City Clerk

* * *

_____ offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE CITY OF NEWBURGH, NEW YORK, ADOPTED FEBRUARY 22, 2016, AUTHORIZING VARIOUS CAPITAL PROJECTS IN AND FOR THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS $7,520,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $7,520,000 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION AND AUTHORIZING THE APPLICATION OF ANY AID RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID OBJECT OR PURPOSE OR REDEMPTION OF THE CITY'S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

THE CITY COUNCIL OF THE CITY OF NEWBURGH, IN THE COUNTY OF ORANGE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said City Council) AS FOLLOWS:

Section 1. The City of Newburgh, in the County of Orange, New York (herein called the "City"), is hereby authorized to construct, acquire or undertake the various projects as described in column A of Schedule I attached hereto and hereby made a part hereof, at the estimated maximum costs indicated in column B of such Schedule I, such projects having been determined to be Type II actions for purposes of the State Environmental Quality Review Act

("SEQRA") which will not have a significant impact on the environment and require no further proceedings under SEQRA. The total estimated cost of such projects, including preliminary costs and costs incidental thereto and to the financing thereof, is $7,520,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed $7,520,000 bonds of the City, and any bond anticipation notes issued in anticipation of the sale of such bonds, to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and notes and the interest thereon as the same shall become due and payable and application of any aid received from the State of New York to be expended towards the cost thereof or redemption of the bonds or notes issued therefor or to be budgeted as an offset to the taxes for the payment of principal and interest on said bonds or notes.

Section 2. Bonds of the City in the aggregate principal amount of not to exceed $7,520,000 are hereby authorized to be issued in the principal amounts indicated in column C of Schedule I for each of the respective objects or purposes indicated in column A of such Schedule I, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance the appropriation referred to herein.

Section 3. The respective periods of probable usefulness of the specific objects or purposes and classes of objects or purposes for which said bonds are authorized are to be issued, within the limitations of §11.00 a. of the Law as referenced in column E of the attached Schedule I, are set forth in column D of the attached Schedule I.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this resolution for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation

of said bonds, and the renewals of said bond anticipation notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller/Director of Finance, the chief fiscal officer of the City.

Section 7. Pursuant to the provisions of section 16 of Chapter 223 of the New York Laws of 2010, the City is authorized to include in this resolution the following pledge and agreement of the State of New York (herein called the "State") contained in said Section 16:

"The state does hereby pledge to and agree with the holders of any bonds, notes or other obligations issued by the city during the effective period of this act and secured by such a pledge that the state will not limit, alter or impair the rights hereby vested in the city to fulfill the terms of any agreements made with such holders pursuant to this act, or in any way impair the rights and remedies of such holders or the security for such bonds, notes or other obligations until such bonds, notes or other obligations together with the interest thereon and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully paid and discharged."

Section 8. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 9. This Bond Resolution shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in *"The Sentinel," "The Mid Hudson Times,"* and *"The Hudson Valley Press,"* three newspapers each having a general circulation in the City and hereby designated the official newspapers of said City for such publication.

The adoption of the foregoing resolution was seconded by _____ and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

****

Schedule I

2016 Capital Improvement Plan

A	B	C	D	E	F	G
Project Description (object or purpose)	Estimated Maximum Cost	Amount of Bonds Authorized	Period of Probable Usefulness	PPU Section 11.00 a. Reference	Specific or Class of Objects and Purposes	Fed/State Aid Expected
Improvements to Lake Drive Bridge and Walsh Road Bridge	$4,000,000	$800,000	20	10	S	YES
Improvements to Mill Street Bridge over Quassaick (B1N#2223610) including design of rehabilitation & construction and repair of scoured footing condition	200,000	$ 200,000	20	10	S	YES
Muchattoes Lake Dam – Hazard Assessment, Emergency Action Plan & Engineering Assessment	400,000	400,000	30	22 (a)	S	
Police Vehicles	160,000	160,000	3	77	C	
Water System Improvements including Browns Pond-Silver Stream Dam - Headwall & Spillway Repairs, Washington Lake Dam -Low Level Drain, Washington Lake Dam -Slope Stability Analysis & Sod Borings, Washington Lake Dam -Spillway Design & Reconstruction, Washington Lake Dam -Survey & Infill low/wet area along Old Little Britain Road, Washington Lake Gatehouse - Material Testing, Dive Inspection, & Remediation, Acquisition of equipment for Water Filtration Plant - Chemical Bulk Storage upgrades	$2,885,000	$2,885,000	40	1	C	
Demolition of Brown's Pond House (Mt. Airy Road)	$ 150,000	$ 150,000	10	12-a	S	
Sewer System improvements including Regulator#2 Upgrades (LTCP) South Water Street Separation & Pump Station Project (LTCP), Reconstruction of Combined Sewer Outfall Pipe #12 (CSO#12) under CSX, Asset Management – Sewer Camera and Related Hardware	$2,925,000	$2,925,000	40	4	C	
Totals:	$7,520,000	$7,520,000				

CERTIFICATE

I, LORENE VITEK, City Clerk of the City of Newburgh, in the County of Orange, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the City Council of said City of Newburgh duly called and held on February 22, 2016, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said City Council and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City of Newburgh this _____ day of February, 2016.

(SEAL)

_____
City Clerk

281883 2587445v3

(THE FOLLOWING NOTICE IS TO BE ATTACHED TO AND
TO BE PUBLISHED
WITH RESOLUTION AFTER ADOPTION)

NOTICE

The resolution published herewith has been adopted on February 22, 2016, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the CITY OF NEWBURGH, in the County of Orange, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

LORENE VITEK
City Clerk

RESOLUTION NO.: 39 - 2016

OF

FEBRUARY 22, 2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) FOR THE WEST TRUNKLINE SEWER CORRIDOR IMPROVEMENTS PROJECT ACCEPTING AS COMPLETE A FULL ENVIRONMENTAL ASSESSMENT FORM AND ISSUING A NEGATIVE DECLARATION

WHEREAS, by Resolution No. 118-2014 of May 12, 2014, The City of Newburgh was established as the State Environmental Quality Review Act (SEQRA) Lead Agency for the Quassaick Creek Corridor/West Trunkline Sewer Improvements Project (the "Project"); and

WHEREAS, The City of Newburgh has entered into an agreement that establishes Barton & Loguidice, D.P.C. as its engineering consultant for the SEQRA process for the Project; and

WHEREAS, the Project is classified as an Unlisted Action under the SEQRA regulations (NYCRR10 Part 97), based upon review by the City's engineering consultant for the project, thereby requiring a determination of significance to be made; and

WHEREAS, the City's engineering consultant has provided a Long Environmental Assessment Form (LEAF), based on engineering and environmental studies performed during the conceptual design of the Project; and

WHEREAS, the information contained in the LEAF, a copy which is annexed hereto and made part hereof, has been reviewed by the City; and

WHEREAS, in consideration of the information provided in the LEAF, it is reasonable to conclude that the Project will not have a significant effect on the environment, and that the preparation of a Draft Environmental Impact Statement will not be required; and

WHEREAS, the reasons supporting this determination of no significant effect are set forth in the "Notice of Negative Declaration", which is annexed hereto and made part hereof;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, as the SEQRA Lead Agency, hereby determines that the Quassaick Creek Corridor/West Trunkline Sewer Improvements Project will not have a significant effect on the environment and that a Draft Environmental Impact Statement will not be prepared; and

BE IT FURTHER RESOLVED, by the City Council that the City Manager be and he is hereby authorized and directed to sign the attached Long Environmental Assessment Form at the bottom of Page One thereof ("Determination of Significance") and is further authorized

to sign and file any/and all other documents that may be necessary in connection with the SEQRA review for the Project; and

BE IT FURTHER RESOLVED, by the City Council that the Clerk of the City be and she is hereby directed to establish and maintain a file readily accessible to the public containing the SEQRA documents referred to herein, and the City's resolutions pertaining to the SEQRA aspects of the project.

The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows;

Judy Kennedy	Mayor	Voted	
Yes/No			
Genie Abrams	Council Member	Voted	Yes/No
Regina Angelo	City Council Member	Voted	Yes/No
Torrance Harvey	City Council Member	Voted	Yes/No
Cindy Holmes	City Council Member	Voted	Yes/No
Karen Mejia	City Council Member	Voted	Yes/No
Hillary Rayford	City Council Member	Voted	Yes/No

The foregoing resolution was thereupon declared duly adopted.

Dated: _____

I hereby certify that this resolution was adopted on _____ and is recorded in the City of Newburgh Minute Book of the Mayor and City Council.

_____
Lorene Vitek
City of Newburgh, City Clerk

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: West Trunkline Sewer Corridor Improvements Project		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need): Provided below is a description of the proposed sewer improvements: Clearing and grubbing along the 54" West Trunkline Sewer, 36" & 42" Southern Interceptor Sewer, and 60" Combined Sewer Overflow (CSO). Cleaning and Closed Circuit Televised Inspection of these sewer sections, as well as the 36" Gravity Sewers Mill St and Robinson Ave. Rehabilitation to the aforementioned sewer sections may include replacement, spot repairs, and installation of cured-in-place pipe lining. Additionally, proposed manholes and a proposed access pathway will facilitate access and maintenance to the sewers. Provided below is a description of the Quassaick Creek stream restoration efforts: Proposed partial breach of Holden Dam and realignment of approximately 1,200 feet of the stream to facilitate reestablishment of a stable stream channel through the area. The realigned stream would eliminate the impounded waters behind the Dam and relocate the current stream channel away from the West Trunkline sewer. The realigned stream will provide additional protection through reduced streamflow velocities through the corridor. Additional channel and bank stabilization along approximately 1,700 feet the Creek channel downstream of the proposed channel tie-in.		
Name of Applicant/Sponsor: CITY OF NEWBURGH - JAMES SLAUGHTER, INTERIM CITY MANAGER	Telephone: (845) 569-7301 E-Mail: JSlaughter@cityofnewburgh-ny.gov	
Address: 83 BROADWAY		
City/PO: NEWBURGH	State: NY	Zip Code: 12550
Project Contact (if not same as sponsor; give name and title/role): JASON MORRIS - CITY ENGINEER, Primary Contact	Telephone: (845)-569-7447 E-Mail: JMorris@cityofnewburgh-ny.gov	
Address: 83 BROADWAY		
City/PO: NEWBURGH	State: NY	Zip Code: 12550
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees ☑Yes ☐No	City of Newburgh	October 2012, October 2013
b. City, Town or Village Planning Board or Commission ☐Yes ☑No		
c. City Council, Town or Village Zoning Board of Appeals ☑Yes ☐No	City of Newburgh, Town of New Windsor	Spring/Summer 2014 (Sewer), Fall 2014/Winter 2015 (Stream)
d. Other local agencies ☐Yes ☑No		
e. County agencies ☐Yes ☑No		
f. Regional agencies ☑Yes ☐No	CSX Transportation, Inc.	November 2013
g. State agencies ☑Yes ☐No	NYSDOT, NYSEFC, NYSDEC, NYSDOS	Spring/Summer 2014, Fall 2014/Winter 2015 (Stream)
h. Federal agencies ☑Yes ☐No	Army Corps of Engineers, US Fish and Wildlife	Spring/Summer 2014 (Sewer), Fall 2014/Winter 2015 (Stream)

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☑Yes ☐No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☑Yes ☐No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes ☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes ☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes ☐No

If Yes, identify the plan(s):

Remediation Sites: 336036 (american Felt and Filter), E336075 (Orange County Parcel)
Quassaick Creek Watershed Management Plan (DRAFT), Hudson River Valley Greenway, City of Newburgh Future Land Use Plan (2011), Mid-Hudson Regional Sustainability Plan (2013), New York State Open Space Conservation Plan (2009), Statewide Comprehensive Outdoor Recreational Plan (2009)

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☑Yes ☐No

If Yes, identify the plan(s):

Orange County Open Space Plan (2004)

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
I-1 (Heavy Commercial, Light Industrial), W-2 (Waterfront Industrial)

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Newburgh Enlarged City School District

b. What police or other public protection forces serve the project site?
City of Newburgh Police Department

c. Which fire protection and emergency medical services serve the project site?
City of Newburgh Fire Department, Newburgh Volunteer Ambulance

d. What parks serve the project site?
Parks contiguous to the project site include Delano-Hitch Park, Aquatic Center, Hasbrouck Street Park, and Xavier Lunan Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Utilities Rehabilitation, Public Access, Stream Relocation

b. a. Total acreage of the site of the proposed action? 48.84 acres
b. Total acreage to be physically disturbed? 10 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 8.03 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☑ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☑ Yes ☐ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated 2
- Anticipated commencement date of phase 1 (including demolition) Aug month 2014 year
- Anticipated completion date of final phase Oct month 2015 year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

The project is split into two phases: sewer and stream. The sewer component is anticipated to begin in Summer of 2014 and will be completed independently of the stream phase. The stream phase of work is anticipated to begin in the Spring of 2015

f. Does the project include new residential uses? ☐Yes ☑No
If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐Yes ☑No
If Yes,
i. Total number of structures _____
ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length
iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐Yes ☑No
If Yes,
i. Purpose of the impoundment: _____
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify:
_____
iii. If other than water, identify the type of impounded/contained liquids and their source.
_____
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):
_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☑Yes ☐No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
If Yes:
i .What is the purpose of the excavation or dredging? Sewer repairs and installation of manholes, relocation and stabilization of Quassaick Creek
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
- Volume (specify tons or cubic yards): 3,500 CY
- Over what duration of time? Two Years; August 2014 thru October 2015, as previously indicated

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
Excavated/Dredged materials are proposed to be reused onsite where possible. Materials to be removed and disposed of offsite include suspected contaminated sediment impounded by Holden Dam, as well as existing concrete building foundation along Creek realignment.
iv. Will there be onsite dewatering or processing of excavated materials? ☑Yes ☐No
If yes, describe. Dewatering and processing of excavated materials will be necessary during the removal of any conaminated sediments at the foot of Holden Dam.
v. What is the total area to be dredged or excavated? 1.0 acres
vi. What is the maximum area to be worked at any one time? 2.25 acres
vii. What would be the maximum depth of excavation or dredging? 16 feet
viii. Will the excavation require blasting? ☐Yes ☑No
ix. Summarize site reclamation goals and plan:
Rechannelization of the Quassaick Creek will infill the existing channel with the excavated materials for the proposed channel where possible. If sediment sampling confirms the presence of contaminants, the dredged sediment will be legally disposed of offsite. It is anticipated that all excavated materials for the sewer rehabilitation will be reused onsite. Floodplain revegetation, and seeding of disturbed access ways will be implemented during restoration.

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☑Yes ☐No
If Yes:
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): As part of the project scope, portions of the Quassaick Creek will be relocated south, away from the West Trunkline Sewer. Holden Pond, which will decrease in size as a consequence of breaching Holden Dam, is identified as Freshwater Pond Wetland by the USFWS National Wetlands Inventory.

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

Quassaick Creek and Holden Pond will be altered due to excavation, fill, and alteration of channels, banks, and shorelines. Holden Pond will be partially removed due to the partial breach of Holden Dam. The proposed improvements will marginally change the total water surface area within the project corridor. Natural channel restoration methods will be used to stabilize the realigned portions of the Creek and adjacent floodplain, eliminating the existing channelized nature of the stream.

iii. Will proposed action cause or result in disturbance to bottom sediments? ☑ Yes ☐ No

If Yes, describe: Disturbances are due to dredging and excavation for new channel, as well as stream stabilization and sediment removal.

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☑ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

Realignment of Quassaick Creek through new channel

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☑ No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☑ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

- Do existing sewer lines serve the project site? ☐Yes ☐No
- Will line extension within an existing district be necessary to serve the project? ☐Yes ☐No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☐No

If Yes:
- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☑Yes ☐No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

300 Square feet or _____ acres (impervious surface)

_____ Square feet or 10 acres (parcel size)

ii. Describe types of new point sources. Proposed culverts will be used to convey stormwater

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

Sotrmwater runoff is proposed to be directed to on-site stormwater management facilities

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☑Yes ☐No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☑Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes ☑No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

Heavy equipment (e.g., excavators) will be utilized during construction. There will be no mobile sources of air emissions after construction completion.

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☑No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 6 AM - 8PM
- Saturday: 6 AM - 8PM
- Sunday: 6 AM - 8PM
- Holidays: 6 AM - 8PM

ii. During Operations:

- Monday - Friday: 24 hr/day
- Saturday: 24 hr/day
- Sunday: 24 hr/day
- Holidays: 24 hr/day

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☑ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

During planned construction, previously indicated between August 2014 and October 2015, noise levels will increase due to construction activities approximately 5 days per week, 14 hours per day.

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☑ Yes ☐ No

Describe: Clearing and grubbing for the sewer easement and new stream channel will remove existing vegetation. However, the project site is densely vegetated making it unlikely that the removal of vegetation will have any deleterious effects on existing noise barriers.

n.. Will the proposed action have outdoor lighting? ☐ Yes ☑ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☑ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☑ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☑ Urban ☑ Industrial ☑ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☑ Forest ☐ Agriculture ☑ Aquatic ☑ Other (specify): Utilities

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.0	0.0	0.0
• Forested	8.7	7.7	-1.0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.0	1.2	+1.2
• Agricultural (includes active orchards, field, greenhouse etc.)	0.0	0.0	0.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	1	1.1	+0.1
• Wetlands (freshwater or tidal)	0.1	0.0	-0.1
• Non-vegetated (bare rock, earth or fill)	0.0	0.0	0.0
• Other Describe: Existing Concrete Building Foundation	0.2	0.0	-0.2

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☑ No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☑ Yes ☐ No

If Yes,

i. Identify Facilities:

South Junior High School, Nora Cronin Presentation Academy, St. Francis of Assisi Elementary School, Liberty Street School, Healthy Kids Before/After School Program (New Windsor), Greater Hudson Valley Family Health Center, Newburgh Armory

e. Does the project site contain an existing dam? ☑ Yes ☐ No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: 12 feet
- Dam length: 100 feet
- Surface area: 1 acres
- Volume impounded: 3 gallons OR acre-feet

ii. Dam's existing hazard classification: A

iii. Provide date and summarize results of last inspection:

7/20/2010, Data taken from NYSDEC Dam Inventory for Holden Dam (ID: 195-0535B) updated 7/6/2009; Inspection Results: Debris in spillway, voids and cracks in left crest of spillway, and undesireable growth on either side of the abutments. Project scope proposes a partial breach of Holden Dam.

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Has the facility been formally closed? ☐ Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☑ Yes ☐ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

The proposed Creek rechannelization transects a parcel (City of New Windor, Orange County SBL: 9-1-65) which was a paper mill during the late 18th and early 19th centuries. An 1884 Sanborn Map identifies a Bleach House as part of the facility. A 1913 Sanborn Map shows sulfuric acid storage onsite.

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☑ Yes ☐ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☑ Yes ☐ No

☑ Yes – Spills Incidents database — Provide DEC ID number(s): 1206663 (Sewer Failure 10/12, Closed)

☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☑ Yes ☐ No

If yes, provide DEC ID number(s): 336042, 336031, 1206663, B00127, B00188, 546031, 336077

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

336036 (Remedial Design), E336075 (ERP), 336055 (Remedial Design), 336042 (Remedial Action), 336031 (Site Characterization), 1206663 (Closed), B00127 (Remedial Action), B00188 (Remedial Design), 546031 (Remedial Action), 336077 (Potential Registry)

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☑ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? 1.5 to >6.6 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☑ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

HoB	36.2 %
MdB	33.4 %
W	11.0 %

d. What is the average depth to the water table on the project site? Average: 0 to >6.6 feet

e. Drainage status of project site soils:
☑ Well Drained: 39.3 % of site
☑ Moderately Well Drained: 42.4 % of site
☐ Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes:
☑ 0-10%: 50.3 % of site
☑ 10-15%: 0.5 % of site
☑ 15% or greater: 23.3 % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☑ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☑ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☑ Yes ☐ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name Quassaick Creek Classification C, C
- Lakes or Ponds: Name Holden Pond Classification N/A
- Wetlands: Name Holden Pond (Freshwater Pond Wetland) Approximate Size 3 acre-feet
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☑ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☑ Yes ☐ No

j. Is the project site in the 100 year Floodplain? ☑ Yes ☐ No

k. Is the project site in the 500 year Floodplain? ☑ Yes ☐ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☑ Yes ☐ No
If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site:

Northern Water Snake, Pickerel Frog

Common Snapping Turtle, Green Frog

White-tailed Deer, Eastern Chipmunk

n. Does the project site contain a designated significant natural community? ☐ Yes ☑ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☑ Yes ☐ No

According to USFWS Orange County, NY is listed as potentially supporting the following species (not confirmed on project site): Dwarf Wedgemussel (Alasmidonta heterodon), Bog Turtle (Clemmys muhlenburgii), Indiana Bat (Myotis sodalis), Small Whorled Pogonia (Isotria medeoloides) -- All sites within NY State have been extirpated (Small Whorled Pogonia Recovery Plan, 1992), Woodland Agrimony (Agrimonia striata)

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☑ No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☑ No

If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☑ No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☑ No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☑ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☑ Historic Building or District

ii. Name: East End Historic District

iii. Brief description of attributes on which listing is based:

The site's proximity to the New York State Armory (approx 1,500 ft) and Washington's Headquarters (approx. 2,500 ft from project site)

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☑ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☑ Yes ☐ No

If Yes:

i. Identify resource: Washington's Headquarters (0.5 miles), Hudson River (0.1 miles)

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Revolutionary War Heritage Trail

iii Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name James A. Slaughter Date March 13, 2014

Signature James A. Slaughter Title Interim City Manager

PRINT FORM

Required Approvals for West Trunkline Sewer Corridor Improvements Project

Agency	Required Approval
City of Newburgh	Council Approval
Newburgh City Council Zoning Board of Appeals	Council Approval
New Windsor Town Zoning Board of Appeals	Board Approval
CSX Transportation, Inc.	Right of Entry/Maintenance Agreement
New York State Department of Transportation	Highway Work Permit (Utility)
New York State Environmental Facilities Corporation	Approval for Wastewater Improvements
New York State Department of Environmental Conservation	Water Quality Permit, Freshwater Wetlands Permit
New York State Department of State	Coordination Letter
Army Corps of Engineers	Nationwide Permit #27
United States Fish and Wildlife Service	Declaration of No Impact

Agency Use Only [If applicable]

Project :

Date :

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "**Yes"** to a numbered question, please complete all the questions that follow in that section.
- If you answer "**No"** to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) ☐ NO ☑ YES

If "Yes", answer questions a - j. If "No", move on to Section 2.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☑
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☑
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☑	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☑
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☑	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☑	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☑	☐
h. Other impacts: _____ _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☑ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☐ NO ☑ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☑
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☑
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☑
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☑
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☑
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☑	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☑	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☑	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☑
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☑	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☑	☐

l. Other impacts: _____ _____		☐	☐

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____ _____		☐	☐

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) ☐ NO ☑ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☑
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☑
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☑
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☑
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☑
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☑

g. Other impacts: _____		☐	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. ☐NO ☑YES
(See Part 1. D.2.f., D,2,h, D.2.g)
If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☑	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☑	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☑	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☑	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☑	☐
vi. 43 tons/year or more of methane	D2h	☑	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☑	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☑	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☑	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☑	☐
f. Other impacts: The proposed action will require the use of Diesel Operated Machinery during construction, leading to temporarilly increased air emissions		☑	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☐NO ☑YES
If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☑	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☑	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☑	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☑	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☑	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☑	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☑	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ _____	E1b	☑	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☑	☐
j. Other impacts: _____ _____		☐	☐

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, Elb	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	El a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	 ☐ ☐	 ☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	 ☐ ☐	 ☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☑ NO ☐ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____ _____		☐	☐
e. If any of the above (a-d) are answered "Yes", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____ _____		☐	☐

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____ _____		☐	☐

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems. ☑ NO ☐ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - g. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____		☐	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy. ☑ NO ☐ YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting. ☐ NO ☑ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☑	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☑	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☑	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☑	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☑	☐
f. Other impacts: The proposed action will exceed existing ambient noise levels during construction _____		☐	☑

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☐ NO ☑ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No,or small impact may cccur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☑	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☑	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☑
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☑	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☑	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☑	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☑	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☑
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☑
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☑	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☑	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☑	☐
m. Other impacts: _____		☐	☐

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. ☑ NO ☐ YES
(See Part 1. C.1, C.2. and C.3.)
If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, Elb	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. ☑ NO ☐ YES
(See Part 1. C.2, C.3, D.2, E.3)
If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____ _____		☐	☐

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City of Newburgh
West Trunk Sewer Corridor Improvements Project
SEQR Part III

1. Impact on Land

The proposed project involves clearing and grubbing along the 54" West Trunkline Sewer, 36" and 42" southern interceptor sewer and 60" combined sewer overflow (CSO). These areas were damaged during a significant rain event causing sections of the sewer to break and collapse. Emergency repairs have been completed restoring the functionality of the sewer, but more repairs are necessary to prevent future collapse in damaged areas. Rehabilitation of the sewer may include replacement, spot repairs, and installation of cured-in-place pipe (CIPP) lining. New manhole structures are proposed to facilitate future access and maintenance to the sewers. Additionally, realignment of 1,200 feet of the Quassaick Creek is proposed eliminating the impounded waters behind the Holden Dam and relocating the current stream channel away from the West Trunkline Sewer. The realigned stream would provide additional protection through reduced stream flow velocities through the corridor. The project will also include approximately 1,700 feet of stream bank stabilization downstream of the proposed channel tie in.

a. The proposed action may involve construction on land where depth to water table is less than 3 feet

According to the Web Soil Survey, there are soil types in the project area that indicates that the water table is less than 3 feet deep. Where feasible, a CIPP liner will be installed which is a trenchless rehabilitation method. In areas where deterioration of the sewer main is too severe, open cut methods will be the only option for repair. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared for this project and the site will be stabilized in order to control the excavated areas. Proper construction practices will be in place, including onsite construction observation to ensure that the Contract Documents are followed.

Sections of the proposed Quassaick Creek reach rehabilitation will occur on land where depth to water table is less than 3 feet. These sections of shallow ground water table (< 3 feet) are primarily downstream of the proposed improvements; however, stream bank stabilization may occur on these soil types. The soils upstream of Holden Dam, at the location of the proposed Creek realignment, typically have a water table at a depth greater than 80 inches. Geologic borings at this location were performed in <MONTH> of 2014. These borings indicated a depth to water table of approximately <##> feet. While depth to water table exceeds 3 feet in these locations, deeper excavation will be necessary to maintain the gradation of the Creek.

b. The proposed action may involve construction on slopes of 15% or greater.

According to the Web Soil Survey and initial site visits, there are areas where the existing trunk sewer possesses slopes greater than 15%. Trenchless rehabilitation methods will be implemented if the initial CCTV investigation, performed in April 2014, indicates the feasibility of installing a CIPP liner. In some cases, however, open trench excavation may be the only rehabilitation method possible and the section of sewer may need to be replaced. If open trench excavation is required, the project will include erosion and sediment control practices, and the utilization of trench boxes during excavation to minimize the open area and implement safe construction practices. This area will be restored after installation of the new sewer and it is not the intent of this

project to change the character of the site other than facilitate access to the sewer main.

Sections of the proposed Quassaick Creek reach rehabilitation will occur on land with slopes greater than 15%. These sections of steep slope (< 15%) are primarily downstream of the proposed improvements; however, stream bank stabilization may occur at these locations. The soils upstream of Holden Dam, at the location of the proposed Creek realignment, typically have slopes less than 15%. Erosion and sediment control measures will be implemented to ensure that the stabilized banks of the Quassaick Creek, particularly at locations of steep slopes, will not erode during and after construction.

c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.

N/A- Soil boring depths ranged between 12.2-14 feet.

d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material

It is estimated that 10 acres will be physically disturbed as part of this project with approximately 3,500 CY of material being removed from the site over two years. However, it is the intent of this project that excavated/dredged materials are to be reused onsite where possible. If sediment sampling confirms the presence of contaminants of excavated/dredged material, the soil will be legally disposed of offsite. Other materials to be removed and disposed of offsite include existing concrete building foundation along the creek realignment. As material is excavated during the rehabilitation of the Quassaick Creek, it will be used to infill the existing channel where possible. It is anticipated that all excavated materials for the sewer rehabilitation will be reused onsite to backfill the trench or stabilize surrounding areas. All disturbed areas including floodplain revegetation and disturbed access ways will be restored following construction to pre-construction condition or better.

e. The proposed action may involve construction that continues for more than one year or in multiple phases.

The construction will be broken into 2 phases. Phase 1 will be to rehabilitate the sewer beginning March 2016 for a construction period of 3 months. The second phase will be the completion of the stream rehabilitation and stabilization work beginning in Spring 2016 until October 2016. It is anticipated that the sewer and stream work will be completed independently from one another.

f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides)

Due to portions of the site having greater than 15% slopes, it is possible that if open trench excavation is required to rehabilitate the trunk sewer line, the proposed project

may result in increased erosion. However, after construction of the sewer, the existing banks will be stabilized with erosion and sediment control measures. The project also involves stabilizing the existing stream bank alongside the trunk sewer to prevent further erosion that may compromise the sewer. Restoration of landscaped surfaces will require the application of fertilizer, but it is not anticipated that any herbicides will be required.

g. The proposed action is, or may be, located within a Coastal Erosion hazard area.

N/A – The project is not located within a Coastal Erosion hazard area.

3. Impacts on Surface Water

a. The proposed action may create a new water body.

This project proposes to realign approximately 1,200 feet of the Quassaick Creek to eliminate the impounded waters behind the Holden Dam and relocate the current stream channel away from the West Trunkline Sewer. The realigned stream would provide additional protection for the sewer by shifting the floodplain south and reducing stream flow velocities through the corridor. The project will also include approximately 1,700 feet of stream bank stabilization downstream of the proposed channel tie in.

b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.

Holden Pond will decrease in size as a consequence of breaching Holden Dam. This pond is identified as a Freshwater Pond Wetland by the USFWS National Wetland Survey. The West Trunkline Sewer runs directly adjacent to the Quassaick Creek at Holden Dam. Sometime during the mid-20th Century a concrete retaining wall was installed on the northern bank of the Creek, immediately downstream of Holden Dam. The couple feet of void space between the sewer and wall were infilled, but the infill has since been washed out. During high flow events the Quassaick Creek waters flow between the sewer and the concrete wall, further exposing the sewer main. Realignment of the Creek is necessary to protect this highly vulnerable area from further erosion.

Quassaick Creek and Holden Pond will be altered due to excavation, fill and realignment of channels, banks and shorelines. However, it is anticipated that the proposed improvements will marginally change the total water surface area within the project corridor. Natural channel restoration methods will be used to stabilize the realigned portions of the Creek and adjacent floodplain, eliminating the existing channelized nature of the stream.

c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.

Dewatering and dredging of excavated materials may be necessary during realignment of the creek if contaminated sediments are identified at the foot of Holden Dam. Previous environmental studies have indicated the presence of contaminated sediment. If additional sediment sampling confirms the presence of contaminants, the dredged sediment will be legally disposed of offsite. However, if the material is clean, it will be used to infill the existing channel after the proposed channel is constructed where possible.

d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body

The realignment of the Quassaick will involve construction within Holden Pond, which is a Freshwater Wetland Pond, according to the USFWS. However, the project proposes to stabilize the existing streambed to prevent further erosion of the creek. Previous toxicological sediment analyses have indicated the presence of contaminated sediments at Holden Pond. If this presence is confirmed, these contaminated sediments will be removed and legally disposed of offsite, leading to improved long-term water quality within the project reach. The realignment will also mitigate future erosion of the northern bank that will continue to compromise the City's trunk sewer.

e. The proposed action may create turbidity in a water body, either from upland erosion, runoff or by disturbing bottom sediments.

The project will temporarily create turbidity in the Quassaick Creek and Holden Pond during construction. However, erosion and sediment control methods will be used during construction to mitigate these effects. Additionally, a SWPPP will be in place during the construction period. As necessary, turbidity screens will be installed to help mitigate disturbances.

f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.

N/A – The project <u>does not</u> propose the construction of any surface water intakes.

g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).

N/A – The project <u>does not</u> propose the construction of any surface water outfalls.

h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.

Although this project involves excavation and dredging operations, streambed slope stabilization is included in the project scope in order to repair the banks of the existing Creek, as well as stabilize any steep slopes disturbed while rehabilitating the sanitary sewer. A SWPPP will be in place during the construction period. The post-construction impacts of upland soil erosion will be minimized due to rehabilitation of the West Trunk

Line sewer and stabilization of surrounding land surfaces. It is not anticipated that post-construction soil erosion will cause long-term degradation of Quassaick Creek water quality.

i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.

A SWPPP will be in place during construction to mitigate any water quality issues due to excavation, dredging and general construction operations. The proposed improvements are aimed to help minimize future erosion and lead to increased water quality over time.

j. The proposed action may involve the application of pesticides or herbicides in or around any water body.

N/A – The project does not propose the application of pesticides or herbicides.

k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.

N/A – The proposed action will not require the construction of new, or expansion of existing, wastewater treatment facilities.

5. Impacts on Flooding

a, b, c. The proposed action may result in development in a designated floodway, 100 year floodplain, and/or a 500 year floodplain.

Portions of the West Trunkline Sewer exist within a designated floodway, 100 year floodplain, and 500 year floodplain. These sections of the sewer lie within these flood zones when the sewer runs directly adjacent to the Quassaick Creek. The project does not propose any above ground development; however, Chapter V – Resource Management Services (§500.1(n)) of the NYSDEC Regulations defines development as "any human-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations." Improvements to the sewer within designated flood zones will be limited to excavation, filling, grading, and installation of sewer and manholes. These improvements will fortify the sewer against future flooding events.

Similarly, rehabilitation of the Quassaick Creek reach will take place within these designated flood zones. The rehabilitation activities will primarily consist of excavation, filling, grading, and dredging. These rehabilitation efforts will redefine the floodplain of the project reach, shifting these flood zones south of their existing location. The improvements propose to create an unconfined channel, establishing a gradually graded floodplain. These actions will mitigate many of the deleterious

impacts of Quassaick Creek flood waters on the West Trunkline Sewer, further promoting the long-term stability of the sewer main.

d. The proposed action may result in, or require, modification of existing drainage patterns.

Localized drainage patterns at the location of the Quassaick Creek realignment will be modified due to the proposed improvements. The impacts of the modified draining patterns will be minimal since the Quassaick Creek will still serve as the receiving body for drainage.

e. The proposed action may change flood water flows that contribute to flooding.

The Quassaick Creek reach rehabilitation will replace the existing confined channel with an unconfined channel. This rehabilitation will create a more gradual sloping floodplain, longitudinally distributing flood water flows. This action will mitigate the impact of flood waters on vulnerable portions of the West Trunkline Sewer. There are no existing structures on the south side of the Creek that will be negatively impacted by the proposed rehabilitation efforts. The partial breach of Holden Dam will allow flows to travel downstream without the need to pass through a crest and spillway. This action will deregulate stream flows, potentially leading to increased flood flow and frequency. This effect of dam removal may be minimal due to the presence of a comparably sized dam (Walsh Road Dam, 195-0535C) approximately 1,300 feet upstream of Holden Dam. The proposed improvements will create a channel more apt to handle flood water flows due to the wider floodplain.

f. If there is a dam located on the site of the proposed action, it the dam in need of repair, or upgrade?

Holden Dam is located on the project site, which was last inspected in 2010. Data taken from the NYSDEC Dam Inventory for the Holden Dam (ID: 195-0535B) Inspection Results noted that there was debris reported in the spillway, voids and cracks in the left crest of the spillway and undesirable growth on either side of the abutments. At this time the DEC advised that these deficiencies be monitored and addressed as part of the maintenance plan to prevent conditions from worsening. The project proposes a partial breach of the dam and realignment of the creek to help mitigate the continued erosion of the stream bank behind the abutments and spillway.

6. Impacts on Air

Impacts on air quality will be limited to short-term construction phase impacts. The proposed improvements will be broken into two separate construction phases. The first of these phases is the sewer rehabilitation activities; the second phase is the restoration of the Quassaick Creek. Both of these phases will require the use of Diesel Operated Machinery during construction leading to temporarily increased air emissions. These emissions will occur in Summer/Fall of 2014 for the sewer rehabilitation and Spring/Summer/Fall of 2015 for the Creek rehabilitation.

7. Impacts on Plants and Animals

The project involves the realignment of the Quassaick Creek. In general the activities will only temporarily disturb native plants and animals in the project site. However, once construction is completed, the project will restore disturbed area with native plants and stabilize all stream banks both in the existing stream and newly constructed stream. This project is a maintenance project and the only impervious surfaces to be installed are new manhole structures for future access into the City's trunk sewer.

a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.

N/A- The proposed action will not cause reduction in population or loss of individual threatened or endangered species.

b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.

N/A- The proposed project action will not result in degradation of habitat.

c. The proposed action may cause a reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.

N/A – The proposed project site <u>does not</u> contain any species of special concern.

d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal Government.

N/A – The proposed project site <u>does not</u> contain any species of special concern.

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.

N/A – The proposed action <u>will not</u> diminish any National Natural Landmarks.

f. The proposed action may result in the removal of, or ground disturbance in, any portion of a significant natural community.

N/A – The proposed action <u>is not</u> located within a significant natural community.

g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.

N/A- Proposed action will require tree clearing which will occur within the Conservation Cutting Window (October 1st-March 31st)

h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally important habitat.

N/A – The proposed action will not convert more than 10 acres of regionally important habitat.

i. Proposed action (commercial, industrial or recreational projects, only) involves the use of herbicides or pesticides.

N/A – The proposed is not classified as commercial, industrial, or recreational.

15. Impact on Noise, Odor, and Light

a. The proposed action may produce sound above noise levels established by a local regulation.

The City of Newburgh Code §212-5 (G) does not permit construction work between the hours of 8:00 PM and 8:00 AM, Sunday (extended until 10:00 AM on Sunday) through Saturday. Although it is not anticipated that construction activities will occur during these hours §212-12 (C), (E) constitutes public utilities and Department of Public Works operations and activities exempt from regulation.

b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home/

N/A- the project will not require blasting.

c. The proposed action may result in routine odors for more than one hour per day.

Odors that may result from the proposed improvements include exhaust from diesel operated machinery and the presence of sewer gases. It is not likely that these two sources of odor will exceed existing normal ambient odor levels. The project site possesses two bridges, Robinson Ave (US-9W) and Mill Street, which serve as a source of vehicular exhaust. Excessive odors from the existing sewer will be minor and only occur during the construction activities. The project site is surrounded by at least 100 feet of dense vegetation along most of the project site, further minimizing the impacts of construction phase odors.

d. The proposed action may result in light shining onto adjoining properties.

AND

e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.

It is anticipated that all of the proposed improvements will occur during the day, and that minimal artificial light will be required. The final post-construction design does not proposed any additional lighting. The project site is surrounded by at least 100 feet of dense vegetation along most of the project site, further minimizing the impacts of any artificial lighting during construction.

f. Other Impacts:

Impacts on ambient noise levels will be limited to short-term construction phase impacts. The proposed improvements will be broken into two separate construction phases. The first of these phases is the sewer rehabilitation activities; the second phase is the restoration of the Quassaick Creek. Both of these phases will require the use of Diesel Operated Machinery during construction leading to temporarily increased noise levels. These construction phases will occur in Summer/Fall of 2014 for the sewer rehabilitation and Spring/Summer/Fall of 2015 for the Creek rehabilitation.

16. Impacts on Human Health

a. The proposed action is located within 1,500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.

The proposed action is located within 1,500 feet of the following schools, hospitals, day care centers, group homes, nursing homes, and retirement communities: South Junior High School, Nora Cronin Presentation Academy, Saint Francis of Assisi Elementary School, Liberty Street School, Healthy Kids Before/After School Program, Greater Hudson Valley Family Health Center, and the Newburgh Armory. The proposed improvement will not detrimentally impact any of these facilities.

b. The site of the proposed action is currently undergoing remediation.

None of the parcels which comprise the project site are currently undergoing remediation efforts. One parcel along the southern bank of the Quassaick Creek, owned by Orange County (DEC Site Code: E336075), is currently listed by the DEC under the Environmental Resource Program. This parcel was previously site to paper, candle, and woolen mills and the ERP funded investigation has been halted due to funding issues. The Quassaick Creek rehabilitation proposes to realign portions of the Creek through the northwest corner of this parcel, as well as implement stream bank stabilization along the northern edge of the property.

c. There is a completed emergency spill remediation, or completed environmental site remediation on, or adjacent to, the site of the proposed action.

On October 5, 2012 a sewer failure of the 54-inch West Trunkline Sewer caused 5 million gallons of raw sewage to spill into the Quassaick Creek. This spill, DEC Spill Number: 1206663, occurred under the Mill Street Bridge. The spill was closed by the DEC on October 5, 2012.

d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).

N/A – There are no known institutional controls limiting the use of properties along the project corridor.

e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.

N/A – The proposed action will not affect any institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.

f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.

N/A – There will be no future generation, treatment and/or disposal of hazardous wastes caused by the proposed improvements.

g. The proposed action involves construction or modification of a solid waste management facility.

N/A – The proposed action does not involve the construction or modification of a solid waste management facility.

h. The proposed action may result in the unearthing of solid or hazardous waste.

Previous analyses of the sediment impounded at the foot of Holden Dam indicated the presence of contaminated sediments. The results of this testing confirmed the presence of the contaminated sediments. In order to control the migration of these sediments downstream, they will need to be strategically removed prior to breaching Holden Dam. These sediments will be legally disposed at an offsite facility certified to handle the material.

i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.

The removal, disposal, and treatment of contaminated soils and sediment will be necessary prior to constructing the proposed Quassaick Creek rehabilitation. This

increase in solid waste disposal will be temporary and not persist past the construction phase.

j. The proposed action may result in excavation or other disturbance within 2,000 feet of a site used for the disposal of hazardous waste.

N/A – The proposed project site is not located within 2,000 feet of a site used for the disposal of hazardous waste.

k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent offsite structures.

N/A – The proposed action will not result in the migration of explosive gases from a landfill site to adjacent offsite structures.

l. The proposed action may result in the release of contaminated leachate from the project site.

All necessary precautions will be exercised to ensure that the migration of contaminated leachate offsite is minimized. Contaminated sediments removed from the impoundment of Holden Dam will be removed, transported offsite, and legally disposed of. Stockpiling of contaminated sediments and soils onsite will not be permitted, reducing the opportunity for the generation of leachate runoff. Erosion and sediment controls will be implemented to further limit offsite migration of contaminated leachate.

Agency Use Only [IfApplicable]

Project :

Date :

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☑ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☑ Part 1 ☑ Part 2 ☑ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the City of Newburgh as lead agency that:

☑ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Negative Declaration	
Name of Lead Agency: City of Newburgh	
Name of Responsible Officer in Lead Agency:	
Title of Responsible Officer: Interim City Manager	
Signature of Responsible Officer in Lead Agency:	Date:
Signature of Preparer (if different from Responsible Officer)	Date:

For Further Information:

Contact Person: Corinne Steinmuller, Environmental Scientist, Barton & Loguidice, D.P.C.

Address: 10 Airline Drive, Albany, NY 12205

Telephone Number: 518-218-1801

E-mail: csteinmuller@bartonandloguidice.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

PRINT FULL FORM

Agency Use Only [If applicable]

Project :

Date :

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "**Yes"** to a numbered question, please complete all the questions that follow in that section.
- If you answer "**No"** to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) ☐ NO ☐ YES

If "Yes", answer questions a - j. If "No", move on to Section 2.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐
h. Other impacts: _____ _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☐ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____ _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☐ NO ☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts: _____ _____		☐	☐

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) ☐ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____ _____		☐	☐

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) ☐ NO ☐ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____ _____		☐	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. ☐ NO ☐ YES
(See Part 1. D.2.f., D,2,h, D.2.g)
If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☐ NO ☐ YES
If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____ _____		☐	☐

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☐ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	**No, or small impact may occur**	**Moderate to large impact may occur**
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, Elb	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	El a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) ☐ NO ☐ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	 ☐ ☐	 ☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	 ☐ ☐	 ☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) ☐ NO ☐ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____ _____		☐	☐
e. If any of the above (a-d) are answered "Yes", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☐ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____ _____		☐	☐

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☐ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____ _____		☐	☐

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems. ☐ NO ☐ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - g. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____ _____		☐	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy. ☐ NO ☐ YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting. ☐ NO ☐ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☐ NO ☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No,or small impact may cccur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. ☐ NO ☐ YES
(See Part 1. C.1, C.2. and C.3.)
If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, Elb	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. ☐ NO ☐ YES
(See Part 1. C.2, C.3, D.2, E.3)
If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____ _____		☐	☐

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:
To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☐ Part 1 ☐ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

_____

_____

_____

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

☐ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

_____

_____

_____

_____

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action:	
Name of Lead Agency:	
Name of Responsible Officer in Lead Agency:	
Title of Responsible Officer:	
Signature of Responsible Officer in Lead Agency:	Date:
Signature of Preparer (if different from Responsible Officer)	Date:

For Further Information:

Contact Person:

Address:

Telephone Number:

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

City of Newburgh
Quassaick Creek Corridor / West Trunkline Sewer Improvements Project
SEQR Part III

1. Impact on Land

The proposed project involves clearing and grubbing along the 54" West Trunkline Sewer, 36" and 42" southern interceptor sewer and 60" combined sewer overflow (CSO). These areas were damaged during a significant rain event causing sections of the sewer to break and collapse. Emergency repairs have been completed restoring the functionality of the sewer, but more repairs are necessary to prevent future collapse in damaged areas. Rehabilitation of the sewer may include replacement, spot repairs, and installation of cured-in-place pipe (CIPP) lining. New manhole structures are proposed to facilitate future access and maintenance to the sewers. Additionally, realignment of 1,200 feet of the Quassaick Creek is proposed eliminating the impounded waters behind the Holden Dam and relocating the current stream channel away from the West Trunkline Sewer. The realigned stream would provide additional protection through reduced stream flow velocities through the corridor. The project will also include approximately 1,700 feet of stream bank stabilization downstream of the proposed channel tie in.

a. The proposed action may involve construction on land where depth to water table is less than 3 feet

According to the Web Soil Survey, there are soil types in the project area that indicates that the water table is less than 3 feet deep. Where feasible, a CIPP liner will be installed which is a trenchless rehabilitation method. In areas where deterioration of the sewer main is too severe, open cut methods will be the only option for repair. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared for this project and the site will be stabilized in order to control the excavated areas. Proper construction practices will be in place, including onsite construction observation to ensure that the Contract Documents are followed.

Sections of the proposed Quassaick Creek reach rehabilitation will occur on land where depth to water table is less than 3 feet. These sections of shallow ground water table (< 3 feet) are primarily downstream of the proposed improvements; however, stream bank stabilization may occur on these soil types. The soils upstream of Holden Dam, at the location of the proposed Creek realignment, typically have a water table at a depth greater than 80 inches. Geologic borings at this location were performed in <MONTH> of 2014. These borings indicated a depth to water table of approximately <##> feet. While depth to water table exceeds 3 feet in these locations, deeper excavation will be necessary to maintain the gradation of the Creek.

b. The proposed action may involve construction on slopes of 15% or greater.

According to the Web Soil Survey and initial site visits, there are areas where the existing trunk sewer possesses slopes greater than 15%. Trenchless rehabilitation methods will be implemented if the initial CCTV investigation, performed in April 2014, indicates the feasibility of installing a CIPP liner. In some cases, however, open trench excavation may be the only rehabilitation method possible and the section of sewer may need to be replaced. If open trench excavation is required, the project will include erosion and sediment control practices, and the utilization of trench boxes during excavation to minimize the open area and implement safe construction practices. This area will be restored after installation of the new sewer and it is not the intent of this

project to change the character of the site other than facilitate access to the sewer main.

Sections of the proposed Quassaick Creek reach rehabilitation will occur on land with slopes greater than 15%. These sections of steep slope (< 15%) are primarily downstream of the proposed improvements; however, stream bank stabilization may occur at these locations. The soils upstream of Holden Dam, at the location of the proposed Creek realignment, typically have slopes less than 15%. Erosion and sediment control measures will be implemented to ensure that the stabilized banks of the Quassaick Creek, particularly at locations of steep slopes, will not erode during and after construction.

c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.

N/A- Soil boring depths ranged between 12.2-14 feet.

d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material

It is estimated that 10 acres will be physically disturbed as part of this project with approximately 3,500 CY of material being removed from the site over two years. However, it is the intent of this project that excavated/dredged materials are to be reused onsite where possible. If sediment sampling confirms the presence of contaminants of excavated/dredged material, the soil will be legally disposed of offsite. Other materials to be removed and disposed of offsite include existing concrete building foundation along the creek realignment. As material is excavated during the rehabilitation of the Quassaick Creek, it will be used to infill the existing channel where possible. It is anticipated that all excavated materials for the sewer rehabilitation will be reused onsite to backfill the trench or stabilize surrounding areas. All disturbed areas including floodplain revegetation and disturbed access ways will be restored following construction to pre-construction condition or better.

e. The proposed action may involve construction that continues for more than one year or in multiple phases.

The construction will be broken into 2 phases. Phase 1 will be to rehabilitate the sewer beginning March 2016 for a construction period of 3 months. The second phase will be the completion of the stream rehabilitation and stabilization work beginning in Spring 2016 until October 2016. It is anticipated that the sewer and stream work will be completed independently from one another.

f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides)

Due to portions of the site having greater than 15% slopes, it is possible that if open trench excavation is required to rehabilitate the trunk sewer line, the proposed project

may result in increased erosion. However, after construction of the sewer, the existing banks will be stabilized with erosion and sediment control measures. The project also involves stabilizing the existing stream bank alongside the trunk sewer to prevent further erosion that may compromise the sewer. Restoration of landscaped surfaces will require the application of fertilizer, but it is not anticipated that any herbicides will be required.

g. The proposed action is, or may be, located within a Coastal Erosion hazard area.

N/A – The project is not located within a Coastal Erosion hazard area.

3. Impacts on Surface Water

a. The proposed action may create a new water body.

This project proposes to realign approximately 1,200 feet of the Quassaick Creek to eliminate the impounded waters behind the Holden Dam and relocate the current stream channel away from the West Trunkline Sewer. The realigned stream would provide additional protection for the sewer by shifting the floodplain south and reducing stream flow velocities through the corridor. The project will also include approximately 1,700 feet of stream bank stabilization downstream of the proposed channel tie in.

b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.

Holden Pond will decrease in size as a consequence of breaching Holden Dam. This pond is identified as a Freshwater Pond Wetland by the USFWS National Wetland Survey. The West Trunkline Sewer runs directly adjacent to the Quassaick Creek at Holden Dam. Sometime during the mid-20th Century a concrete retaining wall was installed on the northern bank of the Creek, immediately downstream of Holden Dam. The couple feet of void space between the sewer and wall were infilled, but the infill has since been washed out. During high flow events the Quassaick Creek waters flow between the sewer and the concrete wall, further exposing the sewer main. Realignment of the Creek is necessary to protect this highly vulnerable area from further erosion.

Quassaick Creek and Holden Pond will be altered due to excavation, fill and realignment of channels, banks and shorelines. However, it is anticipated that the proposed improvements will marginally change the total water surface area within the project corridor. Natural channel restoration methods will be used to stabilize the realigned portions of the Creek and adjacent floodplain, eliminating the existing channelized nature of the stream.

c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.

Dewatering and dredging of excavated materials may be necessary during realignment of the creek if contaminated sediments are identified at the foot of Holden Dam. Previous environmental studies have indicated the presence of contaminated sediment. If additional sediment sampling confirms the presence of contaminants, the dredged sediment will be legally disposed of offsite. However, if the material is clean, it will be used to infill the existing channel after the proposed channel is constructed where possible.

d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body

The realignment of the Quassaick will involve construction within Holden Pond, which is a Freshwater Wetland Pond, according to the USFWS. However, the project proposes to stabilize the existing streambed to prevent further erosion of the creek. Previous toxicological sediment analyses have indicated the presence of contaminated sediments at Holden Pond. If this presence is confirmed, these contaminated sediments will be removed and legally disposed of offsite, leading to improved long-term water quality within the project reach. The realignment will also mitigate future erosion of the northern bank that will continue to compromise the City's trunk sewer.

e. The proposed action may create turbidity in a water body, either from upland erosion, runoff or by disturbing bottom sediments.

The project will temporarily create turbidity in the Quassaick Creek and Holden Pond during construction. However, erosion and sediment control methods will be used during construction to mitigate these effects. Additionally, a SWPPP will be in place during the construction period. As necessary, turbidity screens will be installed to help mitigate disturbances.

f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.

N/A – The project <u>does not</u> propose the construction of any surface water intakes.

g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).

N/A – The project <u>does not</u> propose the construction of any surface water outfalls.

h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.

Although this project involves excavation and dredging operations, streambed slope stabilization is included in the project scope in order to repair the banks of the existing Creek, as well as stabilize any steep slopes disturbed while rehabilitating the sanitary sewer. A SWPPP will be in place during the construction period. The post-construction impacts of upland soil erosion will be minimized due to rehabilitation of the West Trunk

Line sewer and stabilization of surrounding land surfaces. It is not anticipated that post-construction soil erosion will cause long-term degradation of Quassaick Creek water quality.

i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.

A SWPPP will be in place during construction to mitigate any water quality issues due to excavation, dredging and general construction operations. The proposed improvements are aimed to help minimize future erosion and lead to increased water quality over time.

j. The proposed action may involve the application of pesticides or herbicides in or around any water body.

N/A – The project does not propose the application of pesticides or herbicides.

k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.

N/A – The proposed action will not require the construction of new, or expansion of existing, wastewater treatment facilities.

5. Impacts on Flooding

a, b, c. The proposed action may result in development in a designated floodway, 100 year floodplain, and/or a 500 year floodplain.

Portions of the West Trunkline Sewer exist within a designated floodway, 100 year floodplain, and 500 year floodplain. These sections of the sewer lie within these flood zones when the sewer runs directly adjacent to the Quassaick Creek. The project does not propose any above ground development; however, Chapter V – Resource Management Services (§500.1(n)) of the NYSDEC Regulations defines development as "any human-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations." Improvements to the sewer within designated flood zones will be limited to excavation, filling, grading, and installation of sewer and manholes. These improvements will fortify the sewer against future flooding events.

Similarly, rehabilitation of the Quassaick Creek reach will take place within these designated flood zones. The rehabilitation activities will primarily consist of excavation, filling, grading, and dredging. These rehabilitation efforts will redefine the floodplain of the project reach, shifting these flood zones south of their existing location. The improvements propose to create an unconfined channel, establishing a gradually graded floodplain. These actions will mitigate many of the deleterious

impacts of Quassaick Creek flood waters on the West Trunkline Sewer, further promoting the long-term stability of the sewer main.

d. The proposed action may result in, or require, modification of existing drainage patterns.

Localized drainage patterns at the location of the Quassaick Creek realignment will be modified due to the proposed improvements. The impacts of the modified draining patterns will be minimal since the Quassaick Creek will still serve as the receiving body for drainage.

e. The proposed action may change flood water flows that contribute to flooding.

The Quassaick Creek reach rehabilitation will replace the existing confined channel with an unconfined channel. This rehabilitation will create a more gradual sloping floodplain, longitudinally distributing flood water flows. This action will mitigate the impact of flood waters on vulnerable portions of the West Trunkline Sewer. There are no existing structures on the south side of the Creek that will be negatively impacted by the proposed rehabilitation efforts. The partial breach of Holden Dam will allow flows to travel downstream without the need to pass through a crest and spillway. This action will deregulate stream flows, potentially leading to increased flood flow and frequency. This effect of dam removal may be minimal due to the presence of a comparably sized dam (Walsh Road Dam, 195-0535C) approximately 1,300 feet upstream of Holden Dam. The proposed improvements will create a channel more apt to handle flood water flows due to the wider floodplain.

f. If there is a dam located on the site of the proposed action, it the dam in need of repair, or upgrade?

Holden Dam is located on the project site, which was last inspected in 2010. Data taken from the NYSDEC Dam Inventory for the Holden Dam (ID: 195-0535B) Inspection Results noted that there was debris reported in the spillway, voids and cracks in the left crest of the spillway and undesirable growth on either side of the abutments. At this time the DEC advised that these deficiencies be monitored and addressed as part of the maintenance plan to prevent conditions from worsening. The project proposes a partial breach of the dam and realignment of the creek to help mitigate the continued erosion of the stream bank behind the abutments and spillway.

6. Impacts on Air

Impacts on air quality will be limited to short-term construction phase impacts. The proposed improvements will be broken into two separate construction phases. The first of these phases is the sewer rehabilitation activities; the second phase is the restoration of the Quassaick Creek. Both of these phases will require the use of Diesel Operated Machinery during construction leading to temporarily increased air emissions. These emissions will occur in Summer/Fall of 2014 for the sewer rehabilitation and Spring/Summer/Fall of 2015 for the Creek rehabilitation.

7. Impacts on Plants and Animals

The project involves the realignment of the Quassaick Creek. In general the activities will only temporarily disturb native plants and animals in the project site. However, once construction is completed, the project will restore disturbed area with native plants and stabilize all stream banks both in the existing stream and newly constructed stream. This project is a maintenance project and the only impervious surfaces to be installed are new manhole structures for future access into the City's trunk sewer.

a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.

N/A- The proposed action will not cause reduction in population or loss of individual threatened or endangered species.

b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.

N/A- The proposed project action will not result in degradation of habitat.

c. The proposed action may cause a reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.

N/A – The proposed project site <u>does not</u> contain any species of special concern.

d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal Government.

N/A – The proposed project site <u>does not</u> contain any species of special concern.

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.

N/A – The proposed action <u>will not</u> diminish any National Natural Landmarks.

f. The proposed action may result in the removal of, or ground disturbance in, any portion of a significant natural community.

N/A – The proposed action <u>is not</u> located within a significant natural community.

g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.

N/A- Proposed action will require tree clearing which will occur within the Conservation Cutting Window (October 1st-March 31st)

h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally important habitat.

N/A – The proposed action will not convert more than 10 acres of regionally important habitat.

i. Proposed action (commercial, industrial or recreational projects, only) involves the use of herbicides or pesticides.

N/A – The proposed is not classified as commercial, industrial, or recreational.

15. Impact on Noise, Odor, and Light

a. The proposed action may produce sound above noise levels established by a local regulation.

The City of Newburgh Code §212-5 (G) does not permit construction work between the hours of 8:00 PM and 8:00 AM, Sunday (extended until 10:00 AM on Sunday) through Saturday. Although it is not anticipated that construction activities will occur during these hours §212-12 (C), (E) constitutes public utilities and Department of Public Works operations and activities exempt from regulation.

b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home/

N/A- the project will not require blasting.

c. The proposed action may result in routine odors for more than one hour per day.

Odors that may result from the proposed improvements include exhaust from diesel operated machinery and the presence of sewer gases. It is not likely that these two sources of odor will exceed existing normal ambient odor levels. The project site possesses two bridges, Robinson Ave (US-9W) and Mill Street, which serve as a source of vehicular exhaust. Excessive odors from the existing sewer will be minor and only occur during the construction activities. The project site is surrounded by at least 100 feet of dense vegetation along most of the project site, further minimizing the impacts of construction phase odors.

d. The proposed action may result in light shining onto adjoining properties.

AND

e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.

It is anticipated that all of the proposed improvements will occur during the day, and that minimal artificial light will be required. The final post-construction design does not proposed any additional lighting. The project site is surrounded by at least 100 feet of dense vegetation along most of the project site, further minimizing the impacts of any artificial lighting during construction.

f. Other Impacts:

Impacts on ambient noise levels will be limited to short-term construction phase impacts. The proposed improvements will be broken into two separate construction phases. The first of these phases is the sewer rehabilitation activities; the second phase is the restoration of the Quassaick Creek. Both of these phases will require the use of Diesel Operated Machinery during construction leading to temporarily increased noise levels. These construction phases will occur in Summer/Fall of 2014 for the sewer rehabilitation and Spring/Summer/Fall of 2015 for the Creek rehabilitation.

16. Impacts on Human Health

a. The proposed action is located within 1,500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.

The proposed action is located within 1,500 feet of the following schools, hospitals, day care centers, group homes, nursing homes, and retirement communities: South Junior High School, Nora Cronin Presentation Academy, Saint Francis of Assisi Elementary School, Liberty Street School, Healthy Kids Before/After School Program, Greater Hudson Valley Family Health Center, and the Newburgh Armory. The proposed improvement will not detrimentally impact any of these facilities.

b. The site of the proposed action is currently undergoing remediation.

None of the parcels which comprise the project site are currently undergoing remediation efforts. One parcel along the southern bank of the Quassaick Creek, owned by Orange County (DEC Site Code: E336075), is currently listed by the DEC under the Environmental Resource Program. This parcel was previously site to paper, candle, and woolen mills and the ERP funded investigation has been halted due to funding issues. The Quassaick Creek rehabilitation proposes to realign portions of the Creek through the northwest corner of this parcel, as well as implement stream bank stabilization along the northern edge of the property.

c. There is a completed emergency spill remediation, or completed environmental site remediation on, or adjacent to, the site of the proposed action.

On October 5, 2012 a sewer failure of the 54-inch West Trunkline Sewer caused 5 million gallons of raw sewage to spill into the Quassaick Creek. This spill, DEC Spill Number: 1206663, occurred under the Mill Street Bridge. The spill was closed by the DEC on October 5, 2012.

d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).

N/A – There are no known institutional controls limiting the use of properties along the project corridor.

e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.

N/A – The proposed action will not affect any institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.

f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.

N/A – There will be no future generation, treatment and/or disposal of hazardous wastes caused by the proposed improvements.

g. The proposed action involves construction or modification of a solid waste management facility.

N/A – The proposed action does not involve the construction or modification of a solid waste management facility.

h. The proposed action may result in the unearthing of solid or hazardous waste.

Previous analyses of the sediment impounded at the foot of Holden Dam indicated the presence of contaminated sediments. The results of this testing confirmed the presence of the contaminated sediments. In order to control the migration of these sediments downstream, they will need to be strategically removed prior to breaching Holden Dam. These sediments will be legally disposed at an offsite facility certified to handle the material.

i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.

The removal, disposal, and treatment of contaminated soils and sediment will be necessary prior to constructing the proposed Quassaick Creek rehabilitation. This

increase in solid waste disposal will be temporary and not persist past the construction phase.

j. The proposed action may result in excavation or other disturbance within 2,000 feet of a site used for the disposal of hazardous waste.

N/A – The proposed project site is not located within 2,000 feet of a site used for the disposal of hazardous waste.

k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent offsite structures.

N/A – The proposed action will not result in the migration of explosive gases from a landfill site to adjacent offsite structures.

l. The proposed action may result in the release of contaminated leachate from the project site.

All necessary precautions will be exercised to ensure that the migration of contaminated leachate offsite is minimized. Contaminated sediments removed from the impoundment of Holden Dam will be removed, transported offsite, and legally disposed of. Stockpiling of contaminated sediments and soils onsite will not be permitted, reducing the opportunity for the generation of leachate runoff. Erosion and sediment controls will be implemented to further limit offsite migration of contaminated leachate.

DRAFT RESOLUTION
CITY OF NEWBURGH
CITY COUNCIL

WHEREAS, The City of Newburgh has been established as the State Environmental Quality Review Act (SEQRA) Lead Agency for the Quassaick Creek Corridor / West Trunkline Sewer Improvements Project; and

WHEREAS, The City of Newburgh has entered into an agreement that establishes Barton & Loguidice, D.P.C. as its engineering consultant for the SEQR process for the Quassaick Creek Corridor / West Trunkline Sewer Improvements; and

WHEREAS, The project is classified as an Unlisted Action under the SEQRA regulations (NYCRR10 Part 97), based upon review by the City's engineering consultant for the project, thereby requiring a determination of significance to be made; and

WHEREAS, the City's engineering consultant has provided an Environmental Assessment Form (long form), based on engineering and environmental studies performed during the conceptual design of the project; and

WHEREAS, The information contained in the Environmental Assessment Form (long form), a copy which is annexed hereto and made part hereof, has been reviewed by the City; and

WHEREAS, In consideration of the information provided in the Environmental Assessment Form (long form), it is reasonable to conclude that the Quassaick Creek Corridor / West Trunkline Corridor Sewer Improvements Project will not have a significant effect on the environment, and that the preparation of a Draft Environmental Impact Statement will not be required; and

WHEREAS, The reasons supporting this determination of no significant effect are set forth in the "Notice of Negative Declaration", which is annexed hereto and made part hereof;

NOW, THEREFORE, BE IT

RESOLVED, That the City of Newburgh, as the SEQRA Lead Agency, hereby determines that the Quassaick Creek Corridor / West Trunkline Sewer Improvements Project will not have a significant effect on the environment and that a Draft Environmental Impact Statement will not, therefore, be prepared; and, be it

FURTHER RESOLVED, That the City is hereby authorized and directed to sign the attached Environmental Assessment Form (long form) at the bottom of Page One thereof ("Determination of Significance"); and, be it

FURTHER RESOLVED, That the Clerk of the City is hereby directed to establish and maintain a file readily accessible to the public containing the SEQRA documents referred to herein, and the City's resolutions pertaining to the SEQRA aspects of the project.

The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows;

Judy Kennedy	Mayor	Voted	Yes/No
Genie Abrams	Council Member	Voted	Yes/No
Regina Angelo	City Council Member	Voted	Yes/No
Torrence Harvey	City Council Member	Voted	Yes/No
Cindy Holmes	City Council Member	Voted	Yes/No
Hillary Rayford	City Council Member	Voted	Yes/No
Maren Mejia	City Council Member	Voted	Yes/No

The foregoing resolution was thereupon declared duly adopted.

Dated:_____

I hereby certify that this resolution was adopted on _____ and is recorded in the City of Newburgh Minute Book of the Mayor and City Council.

_____
Lorene Vitek
City of Newburgh, City Clerk

Negative Declaration

Orange County – The City of Newburgh, as lead agency, has determined that the proposed Quassaick Creek Corridor / West Trunkline Sewer Corridor Improvements Project will not have significant adverse environmental impact.

The action involves cleaning and closed caption televised inspection of 54-inch West Trunkline Sewer, 36-inch and 42-inch Southern Interceptor Sewer, 60-inch Combined Sewer Overflow (CSO), 36-inch gravity sewer in Mill Street, and 36-inch gravity sewer on Robinson Avenue. Based upon investigative findings improvements to the sewer lines will be made including lining with Cast-in-place Pipe (CIPP) and replacement and/or spot repairs of sections found to be in too poor condition for CIPP rehabilitation. Installation of manhole structures will be made as needed along the West Trunkline, Sothern Interceptor, and Combined Overflow Sewers. A new access pathway will be constructed along the West Trunkline Sewer, Southern Interceptor, and CSO to facilitate future maintenance to the sewers.

Additional project components include removal and/or breaching of Holden Dam and Low-head Dam, stabilization and restoration of approximately 2,500 feet of the Quassaick Creek, encompassing the proposed dam work, construction of a 3,300 foot trail along the Quassaick Creek starting at Walsh Road extending eastward, construction of a five (5) car parking area along the trail, and development of a picnic area along trail near the proposed parking area.

The proposed project is located in the City of Newburgh, Orange County, New York.

Contact: Michael Ciaravino, City Manager, City of Newburgh, 83 Broadway, Newburgh, New York 12550, Phone (845) 569-7447, Email mciaravino@cityofnewburgh-ny.org

RESOLUTION NO.: 40 - 2016

OF

FEBRUARY 22, 2016

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES WITH THE CHAZEN COMPANIES IN AN AMOUNT NOT TO EXCEED $155,000.00 IN CONNECTION WITH PHASE 1 OF THE LONG TERM CONTROL PLAN AND THE ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATIVE COMPLIANCE ORDER CWA-02-2016-3013

WHEREAS, by Resolution No. 219-2011 of October 24, 2011, the City Council of the City of Newburgh, New York authorized the City Manager to execute an Order on Consent with the New York State Department of Environmental Conservation ("NYS DEC") to resolve violations at the Wastewater Treatment Plant and for the development of the CSO Long Term Control Plan ("LTCP"); and

WHEREAS, Resolution No.: 303-2015 of November 23, 2015, the City Council of the City of Newburgh authorized the City Manager to execute a Modification Order on Consent with the NYS DEC approving the City's proposed milestones and implementation schedule for the City's LTCP; and

WHEREAS, The City of Newburgh is a holder of a Permit issued by the New York State Department of Environmental Conservation known as a SPDES General Permit for Stormwater Discharges from MS4s under general permit number, GP-0-I5-003 on May 1 ,2015 and expiring on April 30, 2017; and

WHEREAS, on June 25, 2015, the United States Environmental Protection Agency ("EPA") conducted an Audit of the Respondent's MS4 (the "Audit") and issued an Administrative Compliance Order No. CWA-02-2016 3013 to resolve the violations identified in the Audit; and

WHEREAS, The Chazen Companies has submitted a proposal and contract, a copy of which is attached hereto, to provide engineering services to assist the City to develop institutional changes to promote green infrastructure within the City's stormwater regulations, make improvements to the City's Stormwater Management Plan ("SWMP"), perform an assessment of the City's facilities and continue developing construction plans that will mitigate the combined sanitary and separate storm sewer system; and

WHEREAS, the services will include an assessment of the Department of Public Works and other City facilities, development of a SWMP and design an separated sanitary sewer system to correct an illicit sewer connection located at 76 First Street; and

WHEREAS, the cost for such services shall be in an amount not to exceed One Hundred Fifty-Five Thousand and 00/100 ($155,000.00) Dollars; and

WHEREAS, funding for such services in the amount of $125,000.00 shall be derived from
LTCP Funding - HG.8120.0400.0821.0210 and in the amount of $30,000 shall be derived from G.1440.0448 - Other Services; and

WHEREAS, this Council has determined that entering into an agreement with The Chazen Companies is in the best interests of the City of Newburgh and its residents;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to enter into an agreement for professional engineering services with The Chazen Companies in an amount not to exceed $155,500.00 in connection with the implementation of Phase 1 of the Long Term Control Plan and the requirements of the EPA Administrative Compliance Order No. CWA-02-2016 3013.

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Capital District Office (518) 273-0055
North Country Office (518) 812-0513

February 10, 2016

Jason C. Morris, P.E.
City of Newburgh
City Engineer
83 Broadway
Newburgh, New York 12550

Chad M. Wade, R.L.A.
City of Newburgh
Assistant City Engineer
83 Broadway
Newburgh, New York 12550

Re: Phase-I LTCP Green Infrastructure and Compliance Order Proposal
City of Newburgh, Orange County, New York
Proposal Number: PM16-016

Dear Mr. Morris:

The Chazen Companies (Chazen) is pleased to provide this proposal for professional services associated with developing a Stormwater Management Program (SWMP) plan, including development of institutional changes to promote Green Infrastructure in accordance with Phase-I of the Long Term Control Plan. Chazen also proposes to provide services to support the resolution of Administrative Compliance Order provisions outlined in a City of Newburgh (City) docket number CWA-02-2016-3013.

Project Understanding

As a delegated state under the United States Environmental Protection Agency (EPA) NPDES program, New York administers EPA's Phase II Stormwater Rule. New York State has issued a Municipal Separate Storm Sewer System General Permit (GP-0-15-003), referred to as "permit" herein, that details each of the conditions that must be addressed by the regulated MS4 in order for them to be authorized to discharge stormwater. In its broadest sense, this general permit requires that regulated entities develop, implement and enforce a Stormwater Management Program (SWMP). The primary focus of the SWMP is to properly address and manage the pollutants contained in stormwater runoff that are transported through the MS4

and discharged to waters of the State, to satisfy the water quality requirements of the Environmental Conservation Law (ECL) and Clean Water Act (CWA). The regulated entity must prepare and update the SWMP Plan that documents the practices, procedures and policies that are in place and those that are being implemented to protect water quality.

Chazen understands that the City has been issued a Compliance Order from the US EPA and the NYSDEC for items related to its MS4 program outlined in Docket Number CWA-02-2-16-3013. Chazen also understands that the City is working with the NYSDEC on a Long Term Control Plan (LTCP) intended to mitigate uses of the combined sewer system. As part of the agreement reached with the NYSDEC, the City is required to develop institutional changes to promote green infrastructure within the City stormwater regulations as well as make improvements to the SWMP plan. The City is required to perform an assessment of the City's facilities and continue developing construction plans that will mitigate the combined sanitary and separate storm sewer system.

Chazen proposes to divide the tasks into three parts. These parts will include an assessment of the DPW and other facilities, develop a Storm Water Management Plan (SWMP), and design a separated sanitary sewer service for the building located at 76 First Street. Included below is a detailed scope of services as well as a schedule of deliverables.

Should the City authorize the proposed services, we strongly recommend that the City submit in writing to the NYSDEC and EPA that the City is in contract with Chazen and we are working together to comply with the order provisions.

Scope of Services

Part 1
DPW and Other City Facility Assessments

Part VII.A.6.a.i of the Permit requires all permittees to develop and implement a pollution prevention/good housekeeping program for municipal operations and facilities that addresses municipal operations and facilities that contribute or potentially contribute Pollutants of Concern (POCs) to the small MS4 system. At the DPW garage, USEPA observed the following conditions.

1. Snow plows were observed to be stored outside on the ground surface, uncovered, and up gradient from a drainage swale that conveys runoff to the MS4. In addition, petroleum staining was visible on the ground surface underneath the plows;

2. Stock piles of concrete, asphalt, street sweepings, metal, as well as trash and debris were stored in the northern portion of the property without overhead coverage or perimeter controls. Runoff from the northern portion of the property had the potential to discharge via overland flow to Gidneytown Creek, and eventually flow to Quassaick Creek; and

3. The City was using a dirt area in the northern part of the property as a vehicle wash for street sweepers. The City had constructed a small retaining wall out of concrete blocks in an attempt to prevent floatables and sediment from leaving the site. However, the EPA audit team observed evidence of moisture, as well as trash and debris that had migrated beyond the retaining wall. Runoff from the wash area has potential to migrate beyond the retaining wall and discharge offsite and eventually to Gidneytown Creek via overland flow (approximately 500-600 feet from the wash area).

Task 01 – Municipal Facility Assessment

Chazen proposes to conduct an assessment of all municipal operations and facilities, including the DPW garage parcel, to list likely sources of pollutants and identify the municipal operations and facilities to be addressed by the pollution prevention/good housekeeping program, as required by Part VII.A.6.a.ii of the Permit.

These City facilities are likely to include the DPW garage, various parks, Water Treatment Plant, Public Safety Building and Wastewater Treatment Plant. We interpret that abandoned buildings under City receivership are not included in this effort.

Chazen recommends that the City submit and request a modified deliverable schedule to conduct this multi-property assessments. Visits to each site are likely to require between two and four hours of field evaluation time and two to three hours of reporting time, for an estimated time budget of six hours per site on average. Given the number of sites owned by the City, this effort is estimated to take two to three weeks' time. Should the NYSDEC and EPA agree to a revised schedule of deliverables, we recommend that this task be completed after the preparation of the new SWMP. If the NYSDEC and EPA are not agreeable to this proposed change to the compliance schedule, the facility inspections will occur and a report will be generated prior to March 1st, and in accordance with the 2004 SWMP.

An estimate of anticipated hours and fee are included in the Fee and Time Schedule.

Task 02 – Municipal Operations Plan

Chazen proposes to prepare a municipal operations plan for each of the facilities assessed above. The operations plan will identify potential pollutants, good housekeeping measures, and develop an inspection form with appropriate schedules to be used for self-assessments.

Facilities included will be the same as those reviewed in Task 001.

An estimate of anticipated hours and fee are included in the Fee and Time Schedule.

Part 2
City of Newburgh SWMP Plan

Task 03 – Stormwater Management Program Plan

Part IV.A of the Permit states that all permittees under GP-0-15-003 must have a prepared Stormwater Management Program (SWMP) Plan documenting modifications to their SWMP. Part X of the Permit states that documents to include in the SWMP plan are procedures and materials for each Minimum Control Measure (MCM), and measurable goals. In accordance with the 2003 permit, the City was required to develop and have fully implemented its SWMP by January 8, 2008. The City provided the EPA with a SWMP plan that was last revised on May 19, 2004.

Chazen proposes to develop a Plan that will include a comprehensive and up-to-date SWMP Plan in accordance with Parts IV.A and X of the General Permit. Among other things, the SWMP Plan must include the following:

1. Updates to incorporate the most recent Permit which became effective on January 12, 2016, as required by Part IV.A of the Permit;
2. Identified Pollutants of Concern ("POCs"), as required by Part VII.A.1.a of the Permit;
3. Identified Waterbodies of Concern ("WOCs"), as required by Part VII.A.1.a of the Permit;
4. Identified Geographic Areas of Concern ("GOCs"), as required by Part VII.A.1.a of the Permit;
5. A public education and outreach program, as required by Part VII.A.1.b of the Permit;
6. A public involvement I participation program, as required by Part VII.A.2.b of the Permit;
7. Identification of a local stormwater public contact, as required by Part VII.A.2.c of the Permit;
8. Written description and identification of standard operating procedures of the established procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for the Illicit Discharge Detection and Elimination ("IDDE") program; description of priority areas of concern; available equipment, staff, funding, etc.; procedures for identifying and locating illicit discharges (trackdown); procedures for

eliminating illicit discharges; and procedures for documenting actions, as required by Part VII.A.3.g of the Permit;

9. Written description and identification of standard operating procedures for construction site Stormwater Pollution Prevention Plan ("SWPPP") review procedures, SWPPP review checklist, SWPPP acceptance procedures, and procedures for documenting actions, as required by Parts VII.A.4.a.vii and VII.A.5.a.v of the Permit
10. Written description and identification of standard operating procedures of the established procedures for receipt, follow up, and documentation of complaints or other information submitted by the public regarding construction site stormwater runoff, including a description of the implemented complaint form documentation practice, as required by Part VII.A.4.a.viii of the Permit;
11. Written description and identification of standard operating procedures for the established procedures for construction site inspections, enforcement of erosion and sediment control measures, Notice of Termination ("NOT") procedures, steps to identify priority sites for inspection and enforcement and contractor training requirements, including the City's practice of receiving and reviewing weekly inspection reports produced by the developers, coordinating with the contractor inspectors and use of the inspection checklist, as required by Part VII.A.4.a.ix of the Permit;
12. Written description and identification of standard operating procedures of established procedures that ensure construction site operators have received erosion and sediment control training before they do work within the City's jurisdiction and maintain records of that training, as required by Part VII.A.4.a.xi of the Permit; and
13. Written description and identification of standard operating procedures of the established pollution prevention and good housekeeping program, including but not limited to catch basin cleaning, maintenance, inspection procedures, documentation, Best Management Practices ("BMPs") and self- assessments, as required by Part VII.A.6 of the Permit.
14. It is expected that the City will submit the SWMP to the EPA within 30 days of acceptance from the NYSDEC.

Chazen expects that a draft plan will be developed and reviewed by the City for one round of revisions. Chazen also expects that a draft plan will be submitted to the EPA and/or NYSDEC for one round of review and revisions. Should additional rounds of revisions be required, Chazen can provide these services for an additional fee.

An estimate of anticipated hours and fee are included in the Fee and Time Schedule.

Task 04 – Long Term Operation and Maintenance of Management Practices

Chazen proposes to assist the City with developing an operational and maintenance program. Support is proposed on an as needed basis. Support may include developing a written program and identification of standard operating procedures that ensures adequate long-term operation and maintenance of management practices identified in Part VII.5.a.vi by trained staff and ensure that practices are performing properly, as required by Part VII.A.5.a.vii of

the Permit. The program will also address the City's plan to ensure that staff who conduct the inspections are adequately trained.

Task 05 – Training

Part VII.A.6.a.vi of the Permit requires that all permittees develop (for newly authorized MS4s) and implement a pollution prevention/good housekeeping program for associated municipal operations and facilities and ensures that relevant staff receive and utilize training.

Chazen proposes to assist the City with training support on an as needed basis. Support may include development of program materials to inform public employees, businesses, and the general public of the hazards associated with illegal discharges and improper disposal of waste, and maintain records of notifications as required by Part VII.A.3.h of the Permit. It is expected that the City will submit the training program to the EPA and NYSDEC. Our fee estimate includes response to one round of comments.

An estimate of anticipated hours and fee are included in the Fee and Time Schedule.

Task 06 – City Code Amendments

The SWMP requires Minimum Control Measures (MCM) to be incorporated into the plan. MCM Section 4 requires local law for NYSDEC Illicit Discharge Detection and Elimination (IDDE local law). The MCM Section 5 requires the MS4 update local laws for MS4 Stormwater Management Regulation requirements.

Chazen proposes to review the City's existing local laws/codes and assist with determining which codes/laws require updating to meet the State's standard for MS4's with respect to requirements related to construction site stormwater runoff control and post-construction stormwater management control. Additionally, Chazen will assist the City in drafting an IDDE local law that meets the State's MS4 requirements.

As part of our preparation of this proposal we anticipate that the City will adopt an IDDE law similar to the State's sample local law. With respect to construction site stormwater runoff control and post construction stormwater management requirements, we will conduct a gap analysis of the City existing laws.

All proposed modifications to existing codes will be depicted in "track changes" for municipal and public review. We anticipate addressing one set of comments from the City. Once comments are addressed, we will finalize the code changes and provide them for consideration by the City for adoption.

It is noted that any modifications or proposed adoption of new local laws may require SEQRA review and the preparation of an EAF, which is not included in this scope. Additionally all

proposed changes should be reviewed by the City's Corporation Counsel and/or retained outside counsel prior to adoption. It is our understanding that the City's Corporation Counsel and/or retained outside counsel may need to certify that the proposed code changes meet the criteria set forth by state MS4 requirements.

An estimate of anticipated hours and fee are included in the Fee and Time Schedule.

Part 3
CSO Separation

Task 07 – Topographic and ROW Survey

Chazen will complete a topographic and utility survey of the limits shown in the image below located in the vicinity of 76 First Street. The topography for the site will include sufficient area for the design and construction of a new sanitary service installed from the east entrance to the building, to Regulator#5 located in First Street. Mapping will be prepared at a scale of 1" = 20' with contours at two foot intervals, spot elevations where necessary, and applicable pipe invert elevations. Vertical datum will be NAVD88 and horizontal datum will be NAD83. Chazen will also locate and measure sanitary and storm sewer inverts.

The street rights of way will be determined based on City of Newburgh record street mapping and deed analysis of the adjoining church property.

Chazen will use the survey information to prepare a base topographic survey in AutoCAD Civil3D digital format for use in the subsequent development of design drawings.

Task 08 -Underground Utility Designation (SUE)

Chazen will arrange with a qualified sub-contractor to complete SUE (sub-surface utility engineering) to physically mark the location of underground utilities (more specifically those that do not have visible surface features) within the project limits and integrate into the topographic and utility survey outlined above. This proposal includes the scope and effort needed to detect, mark and sketch active and abandoned underground utilities within the project area. Underground utilities will be investigated and marked when possible within the project limits including gravity sanitary and storm sewers, water, gas and sub-surface electric and telecommunications.

Utility designating will be completed in compliance with Quality Level "B" and "A", respectively, of CI/ASCE 38-02, Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data, hereinafter referred to as Standard 38-02. Any non-locatable utilities discovered through record information or otherwise will be shown on the drawings at Quality Level "C" or "D".

An estimate of anticipated hours and fee are included in the Fee and Time Schedule.

Task 09 – Sanitary Sewer Service Design

Chazen will prepare construction drawings for the new sanitary sewer service. The construction drawings may include the following:

- Title Sheet
- Notes and Legend
- Site Layout Plan
- Construction Details and Profile, inclusive of sidewalk and other surface restoration details
- Schematic showing internal plumbing revisions required to separate this new sewer lateral from the existing combined sanitary and storm (rain gutters) lateral

Chazen will provide three copies of the drawings for the City's use.

An estimate of anticipated hours and fee are included in the Fee and Time Schedule.

Task 10 - Technical Specifications

Technical Specifications will be prepared to supplement the drawings issued for construction. Electronic and one original set of specifications shall be provided. Chazen assumes that the City will provide all front end specifications and bid documents.

An estimate of anticipated hours and fee are included in the Fee and Time Schedule.

Task 11 - Contract Bidding

In preparation of bidding, Chazen assumes that the Client will coordinate and pay for the cost of the legal notice to advertise and place the project out to bid.

Chazen will prepare for and participate in a "pre-bid" meeting with any interested prospective bidders in advance of the bid opening to answer any questions offered. During the bid period, Chazen will respond to queries from prospective bidders and prepare any necessary addenda to the Contract Documents in a timely manner. Chazen will also attend one site walk thru meeting.

An estimate of anticipated hours and fee are included in the Fee and Time Schedule.

Task 12 - Bid Review and Analysis

Upon commencement of the bid period, Chazen will attend the official bid opening. Chazen will review, tabulate, and evaluate the bids received. The Client will be informed of any informality in the bids, if the bids are unbalanced or non-responsive. A background check will be completed by Chazen to verify the qualifications of the lowest bidder(s). Chazen will provide the Client with a written recommendation for the award of a construction contract along with the basis for this recommendation.

An estimate of anticipated hours and fee are included in the Fee and Time Schedule.

Task 13- Construction Site Meetings

Chazen will attend construction meetings and conferences when specifically requested by the Client. Chazen's Project Manager will attend a kick off meeting and two meetings during construction.

An estimate of anticipated hours and fee are included in the Fee and Time Schedule.

Task 14 – Submittal, Shop Drawing Review and Requests for Information/Clarification

Chazen will prepare and distribute to the Construction Team the list of required submittals and shop drawings. Upon receipt, Chazen will review each submittal and shop drawing for general conformance with the project plans. Chazen requests that each submittal and shop drawing be emailed to us as a PDF for processing. Final documents will be returned in similar fashion for the Construction Team's records. Under this task Chazen will also review requests submitted by the Contractor in the form of an RFI and prepare coordinated responses.

Task 15 –Construction Observation and Certification

Chazen will provide periodic construction observation services in accordance with the following in order to verify general conformance with the Construction Documents. It is our understanding that construction will be completed within 4 to 6-weeks following the commencement of construction.

a. Periodic Construction Observation: Chazen will periodically review construction progress for assessment of general conformity with the project plans. Inspection reports will be prepared daily and the contractor will be notified of any deficiencies. For budgeting purposes we have allocated 75 man-hours for an inspector to work during the 6 week period to observe the construction/installation of the new sewer. In the event that construction continues beyond the estimated 6-week period or if additional hours are needed to observe construction progress during the 6 week period, Chazen will provide a revised scope and fee for the additional Construction Observation services anticipated.

b. Construction Testing Observation and Review: Chazen will witness specific testing (performed by others) to be completed for the sanitary sewer leakage testing (hydrostatic and air) and deflection testing. In addition, under this task, Chazen will review test results and reports prepared by an independent material-testing firm and certified laboratory retained by the Client to determine if the specified design parameters are met. Chazen does not assume responsibility for contracting of, or coordination of, the necessary testing. It is the Clients responsibility to arrange for the required testing by an independent material testing firm and certified laboratory.

c. Project Punch List: Chazen will conduct an inspection and walk through with the Client/contractor to identify incomplete or deficient work as well as to determine that the work has been completed in general conformance with the construction documents. Any incomplete and/or deficient work will be identified in a Punch List issued to the Client for correction. Upon the contractors completion of corrective work a final walk through will be performed to verify that the punch list was satisfactorily addressed.

Upon completion of construction, and contractor satisfactorily addressing all punch list items, Chazen will certify to NYSDEC, EPA, and to the owner that the constructed facilities have been completed in accordance with the approved engineering report and plans.

Please note that in order for this to be properly executed the contractor will need to work closely with our inspector to insure that the required observations/inspections are performed.

An estimate of anticipated hours and fee are included in the Fee and Time Schedule.

Task 16 - Project Closeout

Chazen will assist the Client with project closeout following the Contractors issuance of the Notice of Substantial Completion. Chazen will conduct an inspection and walk through with the Client and Contractor(s) to identify incomplete or deficient work as well as to determine that the work has been completed in general conformance with the Contract Documents. Any incomplete and/or deficient work will be identified in a Punch List issued to the Client and Contractor(s) for correction.

Immediately after the Punch List items have been addressed, Chazen will conduct a final inspection and walk through with the Client and Contractor(s) to confirm that all work has been completed in general conformance with the Contract Documents.

An estimate of anticipated hours and fee are included in the Fee and Time Schedule.

Task 17– Final Record Drawings

Chazen will complete a planimetric as-built survey of completed works. Chazen will require contractors redline markups to be provided.

Task ME00 – Project Coordination, Meetings, Correspondence, and Additional Efforts

For the range of services described above, associated with Green Infrastructure and Compliance Order, we may anticipate unexpected coordination meetings, requests for review of related material, necessary responses to updating correspondence, or other related additional efforts. We recommend a contingency budget for additional efforts requested by the City. An estimate of hours and fee are included in the Fee and Time Schedule. Also included is our standard billing rates.

In support of such requests for additional efforts, Chazen can provide civil municipal/water-wastewater engineering, civil engineering, landscape architecture/green design support, a wide range of environmental services, survey and planning services.

Limitations

- Construction Administration Services beyond description are not included
- The preparation of supplemental or additional reports or correspondence, which may be requested or required, by you, your representative(s), consultants or regulatory agencies

Professional Services Fee Schedule

Chazen cannot determine the exact efforts needed for several tasks described above. Efforts will need to be made to review and analyze the existing documents. Therefore, we propose to complete the majority of the scope described in this proposal on a Time and Materials Basis.

Chazen proposes to bill each task as indicated in the following Fee and Time Schedule Summary. Invoices will be issued monthly for all services performed during that month, and are payable upon receipt. Lump Sum tasks will be billed commensurately with the percentage of the task which has been completed. Time and Materials tasks will be billed based on the actual hours and reimbursable expenses incurred. Fees listed for Time and Materials tasks are estimates only. Chazen will make its best effort to complete each of these tasks within the estimated amounts. However it is possible that it will be necessary to exceed these amounts in order to complete the scope of services for each task. We will not exceed any estimated fee amounts without first notifying you.

Reimbursable expenses which include our direct expenses such as mileage, driving time, overnight mailings, extensive photocopying and map reproductions will be tracked under a separate task, Task RE00, and will be billed for direct cost of the work to the City.

Fee and Time Schedule Summary

Tasks			
Task No.	**Task Description**	**Time and Materials Fee Estimate**	**Completion Date**
01	**Municipal Facility Assessment**	80 – 120 hours $9,000 - $13,500	March 1, 2016*
02	**Municipal Operations Plan**	40 – 60 hours $4,500 - $6,750	July 1, 2016
03	**Stormwater Management Program Plan**	200 – 350 hours $22,500 - $38,500	July 1, 2016
04	**Long Term Operation and Maintenance of Management Practices**	80 – 120 hours $9,000 - $13,500	May 1, 2016*
05	**Training Program**	20 – 120 hours $2,250 - $13,500	June 1, 2016*
06	**Various City Code Amendments**	40 – 120 hours $4,500 - $13,500	TBD
07	**Topographic, Utility, and ROW Survey**	36 Hours $4,975	In accordance with 12/30/15 Workplan
08	**Underground Utility Designation (SUE)**	$1,870 - $3,750 (8 – 16 hours)	In accordance with 12/30/15 Workplan
09	**Sanitary Sewer Service Design**	80 – 120 hours $6,750 - $13,500	In accordance with 12/30/15 Workplan
10	**Technical Specifications**	36 Hours $4,050	In accordance with 12/30/15 Workplan
11	**Contract Bidding**	24 Hours $2,700	In accordance with 12/30/15 Workplan
12	**Bid Review and Analysis**	8 Hours $1,320	In accordance with 12/30/15 Workplan

Tasks			
Task No.	**Task Description**	**Time and Materials Fee Estimate**	**Completion Date**
13	**Construction Site Meetings**	16 Hours $2,600	In accordance with 12/30/15 Workplan
14	**Submittal, Shop Drawing Review and Requests for Information**	16 Hours $2,600	In accordance with 12/30/15 Workplan
15	**Construction Observation and Certification**	75 - 100 hours $8,500 – $11,250	In accordance with 12/30/15 Workplan
16	**Project Closeout**	8 Hours $1,320	In accordance with 12/30/15 Workplan
17	**Final Record Drawings (As-Built)**	8 Hours $1,500	In accordance with 12/30/15 Workplan
ME00	**Project Coordination, Meetings, Correspondence, and Additional Efforts**	80 – 120 hours $6,750 - $13,500	N/A
	Total	$96,685 – $150,165 (Plus Reimbursable Expenses)	
RE00	Reimbursable Expenses	$4,500	

*Indicates timelines that may be revised if permitted based upon formal request and approval by the US EPA and NYSDEC.

Agreement

Attached please find a copy of our Standard Agreement. Receipt of an executed copy of this Agreement will be our authorization to schedule the performance of this work. Please be aware that the projected task start and completion dates are based upon timely receipt of the signed Agreement. A delay in returning the necessary documents may require modification of the proposed task start and completion dates as described herein. This proposal is valid for 30 days from the date hereof.

Please feel free to contact me at (845)486-1569 if you have any questions. Chazen looks forward to working with you on this project.

Sincerely,

George Cronk, P.E., CMS4S
Director, Municipal Services

cc: Russell Urban-Mead, VP Environmental Services
All Proposals List

AGREEMENT MADE this __10th____ day of __February___ 2016 by and between Chazen Engineering, Land Surveying & Landscape Architecture Co., D.P.C. (CELSLA) or Chazen Environmental Services, Inc. (CES), each existing under the laws of the State of New York, with their principal places of business at 21 Fox Street, Poughkeepsie, New York 12601 (hereafter referred to collectively as "Chazen") and __City of Newburgh_____ (hereafter referred to as "Client").

1. **PURPOSE:** Client hereby retains Chazen to perform the services described in the Proposal For Professional Services dated February 10, 2016 which is hereby made a part of this Agreement.

2. **COMPENSATION:** Chazen's compensation for services shall be as stated in the Proposal For Professional Services. Chazen shall submit invoices on or about the tenth day of each month. Invoices shall be payable upon receipt. Invoices not paid within 30 days will be assessed a finance charge of 1.5% per month. At the beginning of each calendar year Chazen reserves the right to adjust its billing rates in accordance with Chazen's new annual fee schedule. Chazen may suspend its performance under this Agreement until all delinquent amounts due for services and expenses have been paid. All amounts due and owed Chazen under this Agreement shall be paid in full at the completion of services. Chazen may refuse to release reports, maps and materials prepared by Chazen for Client until all arrearages are paid in full. If Chazen is required to retain an attorney and/or collection agency to collect amounts due Chazen under this Agreement, Client agrees to pay Chazen's reasonable attorney's and/or collection fees together with the costs and disbursements of any such action.

   [ ] A retainer in the amount of $_____ will be required prior to the initiation of services. This retainer will be held until the end of the project and applied to Client's final invoice. Any excess amount will be returned to Client.

   [X] Final payment will be due upon delivery of the final work product (e.g. report, survey, etc.).

3. **COOPERATION:** Client agrees to keep Chazen informed of changes to the project scope and schedule, and shall arrange for and provide Chazen entry to property in order to perform the services. Client shall give Chazen prompt notice of any potentially hazardous or injurious conditions Client knows of or has reason to know of which may be present on property Chazen must enter. Client agrees to allow Chazen to display appropriate promotional signage during construction, and to allow Chazen to make a photographic record of the project prior to, during, and subsequent to construction. Client agrees to allow Chazen to use photographic images, along with information about the project and/or a description of the services provided, for promotional purposes without restriction or monetary compensation.

4. **PROJECT DOCUMENTS:**

   A. All Documents which may include, but are not limited to, Plans, Specifications, Survey Plats, Technical Reports and Correspondence are instruments of service with respect to this Project, and Chazen shall retain an ownership and property interest therein, including the right to reuse the Documents. The right to alter the Documents belongs only to Chazen.

   B. Client and Client's contractors or other consultants may rely only upon printed copies (also known as hard copies) of Documents that are signed and sealed by a Licensed Professional employed by Chazen. If there is any discrepancy between printed copies and any electronic copies, the most recent version of the printed and certified copies govern.

   C. Any electronic copies (files) provided will be provided solely as a convenience and shall NOT be considered "Contract Documents," "Construction Documents" or any type of certified document. All documents considered "Contract Documents," "Construction Documents" or any type of certified document shall consist only of printed copies having an original signature and seal of a Licensed Professional employed by Chazen.

   D. Be advised that electronic copies of Documents can deteriorate or be inadvertently modified without Chazen's consent, or may be otherwise corrupted or defective. Accordingly, Client and Client's contractors or other consultants may not rely upon the accuracy of any electronic copies of Documents.

E. Any use, conclusion or information obtained or derived from electronic copies of Documents by Client or Client's contractors or other consultants will be at Client's sole risk and without liability to Chazen. Client shall defend, indemnify, and hold harmless Chazen and its officers, directors, representatives and agents from and against all claims, demands, liabilities, causes of action, suits, judgments, damages, and expenses (including attorneys' fees) arising from any use whatsoever or reliance on electronic copies of Documents.

F. Client understands that Documents are not intended or represented to be suitable for any purpose other than that for which they were created. Any reuse or modification of Documents by Client or Client's contractors or other consultants will be at Client's sole risk and without liability to Chazen. Client shall defend, indemnify, and hold harmless Chazen and its officers, directors, representatives and agents from and against all claims, demands, liabilities, causes of action, suits, judgments, damages, and expenses (including attorneys' fees) arising from any reuse or modification of Documents.

G. Client understands that it is a violation of New York State Education Law for any person to alter in any way any Document that has been signed and sealed by a Professional Engineer or Land Surveyor, unless he or she is acting under the direction of a licensed Professional Engineer or Land Surveyor and that the altering professional signs and seals the document and describes the alteration.

5. **INDEMNITY & LIMITATION OF LIABILITY:** Client and Chazen have discussed the risks, rewards and benefits of the project and Chazen's fees for services under this Agreement. Client and Chazen have also discussed the allocation of risk associated with their respective duties under this Agreement and agree, to the fullest extent permitted by law:

A. Chazen shall carry and maintain Workers Compensation, General Liability, Automobile Liability and Professional Liability insurance. Chazen will provide Client certificates of insurance upon request. Chazen agrees to indemnify Client against loss caused by the negligent actions of Chazen, and the employees and subcontractors of Chazen, within the terms and conditions of the insurance coverage maintained by Chazen, subject to the limitation of liability set forth in paragraph 5(C) below. Chazen will not be responsible for any loss or liability, or any violation of law, rule, regulation or decree by Client or the employees, agents, contractors, or consultants of Client.

B. Chazen agrees that it will not bring hazardous or toxic materials onto Client's property. Client understands that the ordinary course of work performed by Chazen may result in the excavation and relocation of hazardous or toxic materials that were on or under the property before Chazen began its work. Client understands that Client is solely responsible for the cost of investigating, removing, and remediating such materials.

C. Chazen's liability for claims related to professional services errors or omissions under this Agreement, however arising, shall be limited to the lesser of $1,000,000 or the total compensation received by Chazen from Client, and Client hereby releases Chazen from any liability or contribution above such amount. This limitation of liability shall include but not be limited to Chazen's negligence, errors, or omissions. In no event shall Chazen be liable for incidental or consequential damages, including loss of profits or revenue resulting from any cause or causes.

6. **TERMINATION:** In the event of substantial failure by either party to perform under this Agreement, the aggrieved party may terminate this Agreement upon seven (7) days written notice. If this Agreement is terminated, Client shall remit all monies due Chazen within 30 days. Chazen at its sole discretion, may terminate this Agreement when it reasonably believes there may be condition(s) which threaten the health and safety of Chazen personnel and subcontractors. Chazen assumes no duty to report hazardous or dangerous conditions not caused by Chazen and shall rely exclusively upon Client to report any such conditions.

7. **SEVERABILITY:** If any provision of this Agreement is held invalid such provision shall have no effect, but all remaining provisions shall continue in full force and effect. Each provision of this Agreement shall be interpreted so as to render it valid.

8. **NOTICES:** All notices shall be in writing and shall be sufficient if sent by first class mail or overnight mail to the addresses of Client and Chazen as shown herein. Notices shall be deemed as received three (3) business days after mailing. Each party hereby agrees to accept all mailed and hand delivered communications.

9. **ENTIRE AGREEMENT:** This Agreement and any attachments and exhibits identified herein represent all of the promises, agreements, conditions, understandings, and undertakings between Client and Chazen.

10. **AMENDMENTS:** This Agreement shall bind Client and Chazen and their successors and assigns. The parties may, by written agreement(s), modify and amend this Agreement. Any such amendment must be in writing and be signed by the party against whom enforcement of the amendment is sought. No breach of any part of this Agreement shall be deemed waived unless expressly waived in writing by the party who might assert such a breach. The failure of any party to insist in any one or more instances upon strict performance of this Agreement shall not be construed as a waiver of the right to insist upon strict performance.

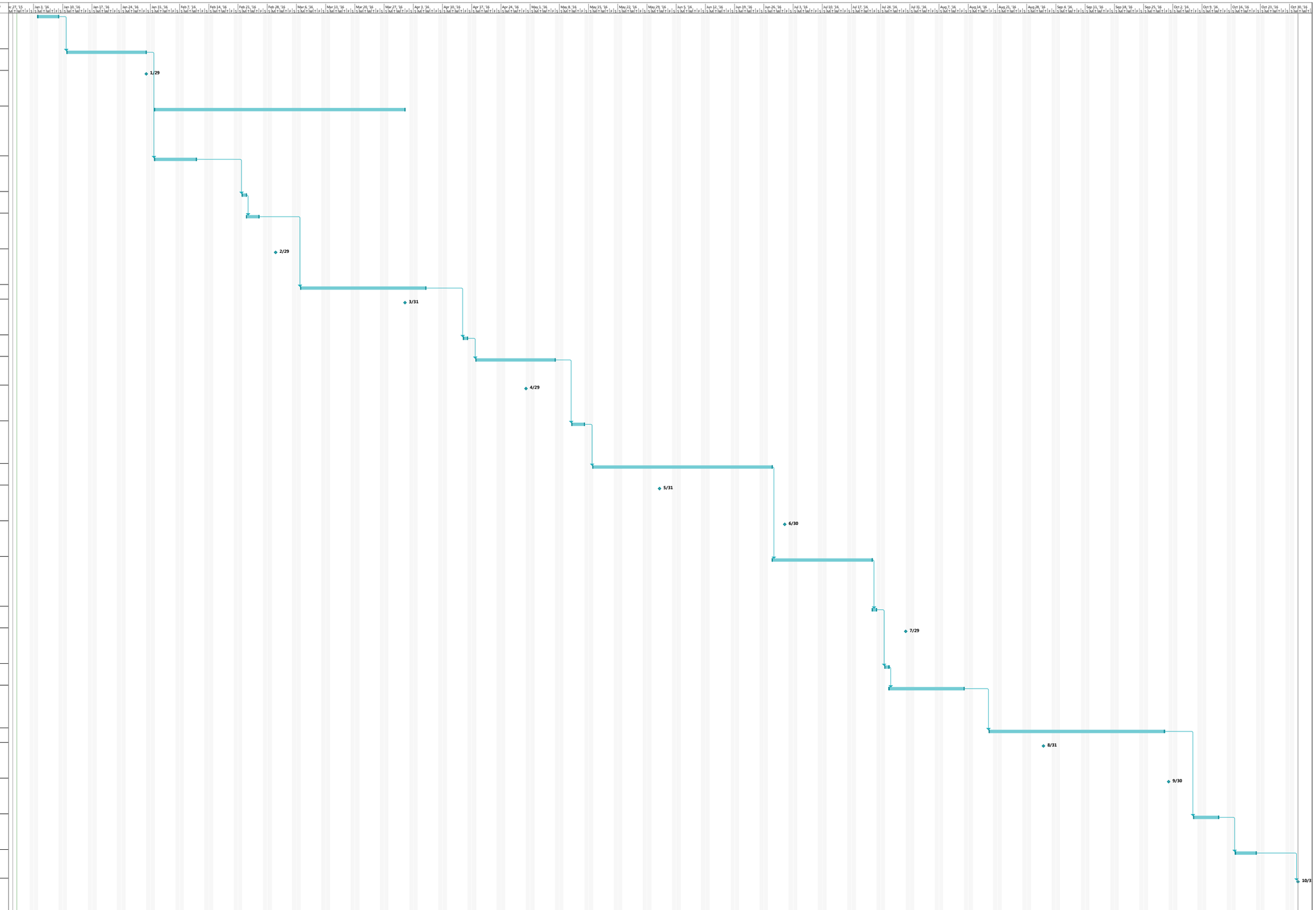
11. **GOVERNING LAW:** This Agreement shall be governed and construed by the laws of the State of New York. For purposes of any legal action or suit related to or arising out of this Agreement venue shall be Dutchess County, New York.

12. **COUNTERPARTS:** This Agreement, and any amendments or revisions thereto, may be executed in two or more counterparts each of which shall be deemed an original, but which together shall constitute one and the same instrument(s).

13. **REPRESENTATIONS:** Client and Chazen state that each has full power and authority to make, execute and perform this Agreement. Signatory for Client states that he is an officer, owner, partner, agent or attorney for Client. Neither Client nor Chazen is bankrupt or have availed themselves of any debtor's remedies nor are currently contemplating such.

CLIENT _____	THE CHAZEN COMPANIES
By: _____	By: _____
Printed Name: _____	Printed Name: _____
Date: _____	Date: _____

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors
1		City to Issue Notice of Violation to Property Owners of 76 First Street for Illicit Connection	5 days	Mon 1/4/16	Fri 1/8/16	
2		15-Day Response Period Opportunity for NOV	15 days	Mon 1/11/16	Fri 1/29/16	1
3		Provide Required Monthly Progress Report on Project Status to EPA & NYSDEC	1 day	Fri 1/29/16	Fri 1/29/16	
4		Obtain Access Agreement with Property Owners of 76 First Street If City Must Undertake Reconstruction of Sewer Lateral	44 days	Mon 2/1/16	Thu 3/31/16	
5		Obtain Survey Proposal for Location, Elevation & Topographical Survey	8 days	Mon 2/1/16	Wed 2/10/16	2
6		Obtain City Council Approval for Survey Proposal	1 day	Mon 2/22/16	Mon 2/22/16	5
7		Obtain Notarized City Council Resolution, Execute Survey Proposal and Return to Consultant	3 days	Tue 2/23/16	Thu 2/25/16	6
8		Provide Required Monthly Progress Report on Project Status to EPA & NYSDEC	1 day	Mon 2/29/16	Mon 2/29/16	
9		Obtain Field Data for Survey	22 days	Mon 3/7/16	Tue 4/5/16	7
10		Provide Required Monthly Progress Report on Project Status to EPA & NYSDEC	1 day	Thu 3/31/16	Thu 3/31/16	
11		Deliver Survey to City's Engineering Department	1 day	Fri 4/15/16	Fri 4/15/16	9
12		Prepare Engineering Plan for Sewer Lateral Remediation (New Connection)	15 days	Mon 4/18/16	Fri 5/6/16	11
13		Provide Required Monthly Progress Report on Project Status to EPA & NYSDEC	1 day	Fri 4/29/16	Fri 4/29/16	
14		Sewer Lateral Remediation Plan Submitted to NYSDEC & EPA for Review and Approval	3 days	Wed 5/11/16	Fri 5/13/16	12
15		Plan Approval Issued by NYSDEC & EPA	31 days	Mon 5/16/16	Mon 6/27/16	14
16		Provide Required Monthly Progress Report on Project Status to EPA & NYSDEC	1 day	Tue 5/31/16	Tue 5/31/16	
17		Provide Required Monthly Progress Report on Project Status to EPA & NYSDEC	1 day	Thu 6/30/16	Thu 6/30/16	
18		Publish Notice of Project Bidding Advertisement in Local Papers & Plans Available for Download to Prospective Bidders	18 days	Tue 6/28/16	Thu 7/21/16	15
19		Bid Submittals Due to Comptroller's Office	1 day	Fri 7/22/16	Fri 7/22/16	18
20		Provide Required Monthly Progress Report on Project Status to EPA & NYSDEC	1 day	Fri 7/29/16	Fri 7/29/16	
21		City Council Award of Project to Lowest Bidder	1 day	Mon 7/25/16	Mon 7/25/16	19
22		Contract Documents Executed, City Building Permit Obtained & Notice to Proceed Issued to Contractor	14 days	Tue 7/26/16	Fri 8/12/16	21
23		New Sewer Lateral Installation	30 days	Fri 8/19/16	Thu 9/29/16	22
24		Provide Required Monthly Progress Report on Project Status to EPA & NYSDEC	1 day	Wed 8/31/16	Wed 8/31/16	
25		Provide Required Monthly Progress Report on Project Status to EPA & NYSDEC	1 day	Fri 9/30/16	Fri 9/30/16	
26		Abandonment of Existing Diversion Manhole at Montgomery Street & Second Street	4 days	Fri 10/7/16	Wed 10/12/16	23
27		Certification of Completed Works Issued to NYSDEC & EPA	5 days	Mon 10/17/16	Fri 10/21/16	26
28		Final Monthly Progress Report Issued to NYSDEC & EPA Closing Out Project	1 day	Mon 10/31/16	Mon 10/31/16	27



Project: Item2a 76 First Street I
Date: Wed 12/30/15

Task | Split | Milestone | Summary | Project Summary | Inactive Task | Inactive Milestone | Inactive Summary | Manual Task | Duration-only | Manual Summary Rollup | Manual Summary | Start-only | Finish-only | External Tasks | External Milestone | Deadline | Progress | Manual Progress

MUNICIPAL BILLING RATE SCHEDULE
EFFECTIVE JANUARY 2016

BILLING TITLE	HOURLY RATE
Senior Professional	**$175.50**

Professionals
Engineers, Geologists, Hydrogeologists, Planners, Landscape Architects,
GIS Analysts, Biologists, Environmental Scientists, Surveyors

Professional V	**$162.00**
Professional IV	**$148.50**
Professional III	**$139.50**
Professional II	**$130.50**
Professional I	**$121.50**

Assistant Professionals
Engineers, Geologists, Hydrogeologists, Planners, Landscape Architects,
GIS Analysts, Biologists, Environmental Scientists, Surveyors, CADD Specialists

Assistant Professional V	**$112.50**
Assistant Professional IV	**$103.50**
Assistant Professional III	**$99.00**
Assistant Professional II	**$94.50**
Assistant Professional I	**$90.00**

Technicians
Engineers, Geologists, Planners, Landscape Architects, GIS, Biologists,
Environmental Scientists, Survey Field Crew, CADD Specialists, Field Staff

Technician V	**$85.50**
Technician IV	**$81.00**
Technician III	**$76.50**
Technician II	**$72.00**
Technician I	**$67.50**

Project Administrator II	**$63.00**
Project Administrator I	**$58.50**

Survey Crew	**$153.00**

Labor charges include administrative services, telephone, US mail and facsimiles.

DIRECT COSTS: Reimbursable expenses are in addition to personnel charges and include expenditures made in the interest of the project for the expenses as listed below:

- Reproduction of reports, drawings, photocopies and blueprints
- Messenger and express service deliveries
- Travel, tolls, and overnight expenses. Auto use will be charged at IRS standard business mileage rate.
- Maps, photographs, ordinances, plans and other documents directly related to and necessary to complete contractual obligations.

SUBCONTRACTORS: Subcontractors work will be billed at actual cost plus 10%.

SENIOR PRINCIPALS: Should your project require the services of a Richard Chazen or Dan Stone they will be billed at a rate of $225 per hour.

COURT PROCEEDINGS: All requests for appearance before a Judge or other Officer of the court will be billed on a per diem basis at a rate of $2,070 per day, plus direct expenses. Other litigation support will be billed at a rate of $256.50 per hour, plus direct expenses.

BILLING: Project costs will be billed monthly. Invoices are payable upon receipt. Invoices not paid within 30 days will be assessed a finance charge of 1.5% per month.

RESOLUTION NO.: 41 - 2016

OF

FEBRUARY 22, 2016

A RESOLUTION ADOPTING A CERTIFICATION FORM FOR CONTRACTORS, VENDORS AND VOLUNTEERS FOR WORK PERFORMED ON BEHALF OF THE CITY IN CONNECTION WITH THE CITY'S STORMWATER MANAGEMENT PROGRAM

WHEREAS, The City of Newburgh is a holder of a Permit issued by the New York State Department of Environmental Conservation known as a SPDES General Permit for Stormwater Discharges from MS4s under general permit number, GP-0-I5-003 on May 1 ,2015 and expiring on April 30, 2017; and

WHEREAS, on June 25, 2015, the United States Environmental Protection Agency ("EPA") conducted an Audit of the Respondent's MS4 (the "Audit") and found violations in connection with the Part IV.G of the City's SPDES General Permit, which requires that when using contractors or third parties to develop or implement any portion of the SWMP, "The covered entity must, through a signed certification statement, contract or agreement provide adequate assurance that the third parties will comply with permit requirements applicable to the work performed by the third party."; and

WHEREAS, the EPA has issued an Administrative Compliance Order to resolve the violations by requiring the City to develop and implement a certification statement for third party entities as described in Part IV.G of the City's SPDES Permit and bring the City into compliance with its SPDES Permit and applicable regulations to avoid the payment of any civil penalties; and

WHEREAS, the City proposes to adopt a Third Party Certification Form that provides adequate assurance that the work performed by all contractors, vendors and volunteers who may perform work on behalf of the City complies with the requirements of the City's SPDES General permit; the same being in the best interests of the City of Newburgh;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Newburgh that the Third Party Certification Form, annexed hereto and made part hereof, be and is hereby adopted and incorporated into all City documents to be completed by all contractors, vendors and volunteers who may perform work on behalf of the City of Newburgh in connection with the City's SPDES General Permit.

CITY OF NEWBURGH
CERTIFICATION FOR ALL CONSULTING
CONTRACTS REGARDING THE CITY OF NEWBURGH
STORMWATER MANAGEMENT PROGRAM

This certification is provided to the City of Newburgh as an addendum to the attached contract or other agreement relating to the City of Newburgh Stormwater Management Program (Contract) and is made a part of the Contract.

This Certification is made on behalf of [insert contractor name and address] (Contractor). The work that the Contractor will be responsible for and the location of the work to be performed are identified in the Contract.

On behalf of the Contractor, I certify under penalty of law that I understand and agree to comply with the terms and conditions of the City of Newburgh stormwater management program and agree to implement any corrective actions identified by the City of Newburgh or its representative. I also understand that the City of Newburgh must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System (SPDES) general permit for stormwater discharges from Municipal Separate Storm Sewer Systems (MS4s) and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standards. Further, I understand that any non-compliance by the City of Newburgh will not diminish, eliminate, or lessen my own liability.

Date: _____ _____

Printed Name: _____
Title: _____
Telephone: _____

RESOLUTION NO.: ___42_____-2016

OF

FEBRUARY 22, 2016

A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED ISSUED TO MERL G. HUTTO AND JOSEPH R. WALKIEWICZ TO THE PREMISES KNOWN AS 205 BROADWAY (SECTION 35, BLOCK 2, LOT 19)

WHEREAS, on September 9, 1982, the City of Newburgh conveyed property located at 205 Broadway, being more accurately described on the official Tax Map of the City of Newburgh as Section 35, Block 2, Lot 19, to Merl G. Hutto and Joseph R. Walkiewicz; and

WHEREAS, the City of Newburgh has acquired title to 205 Broadway by foreclosure *In Rem* pursuant of Article 11 Title 3 of the Real Property Tax Law of the State of New York; and

WHEREAS, pursuant to Section 1166 of the Real Property Tax Law the City may sell properties acquired by foreclosure *In Rem* at private sale; and

WHEREAS, by Resolution No.: 7-2016 of January 11, 2016, this Council authorized the sale of the property to Wei Lou; and

WHEREAS, the purchaser's title company has requested a release of the restrictive covenants contained in said deed to Merl G. Hutto and Joseph R. Walkiewicz; and

WHEREAS, the time for enforcement of the 1982 deed covenants has expired and the purchaser's deed will include new covenants; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh and its further development to grant the request for a release of the covenants in the 1982 deed;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4 and 5 of the aforementioned deed.

RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN ($10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 205 Broadway, Section 35, Block 2, Lot 19, on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4 and 5 in a deed dated September 9, 1982, from the CITY OF NEWBURGH to MERL G. HUTTO and JOSEPH R. WALKIEWICZ, recorded in the Orange County Clerk's Office on September 14, 1982, in Liber 2232 of Deeds at Page 597 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2016

THE CITY OF NEWBURGH

By: _____
Michael G. Ciaravino, City Manager
Per to Resolution No.: _____ - 2016

STATE OF NEW YORK)
)ss.:
COUNTY OF ORANGE)

On the _____ day of _____ in the year 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL G. CIARAVINO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

_____

RECORD & RETURN TO:

RESOLUTION NO.: 43 - 2016

OF

FEBRUARY 22, 2016

A RESOLUTION OF THE CITY COUNCIL RE-AUTHORIZING THE NEWBURGH HOUSING DEVELOMPENT FUND COMPANY, INC. AS A KEY COMPONENT OF THE CITY OF NEWBURGH'S DISTRESSED PROPERTY REMEDIATION POLICY

WHEREAS, by Resolution No. 255-2010 of November 8, 2010, the City Council created a Distressed Property Task Force comprised of City staff and officials and representatives of interested community groups to develop a step-by-step process for implementing recommendations from the Addressing Distressed Properties report of the Land Use Law Center at Pace Law School, in conjunction with the Center for Community Progress, and adopted a Distressed Property Remediation Policy for the City based on the report's general policy recommendations to improve the City's code enforcement process, create a land bank, and establish a system of development readiness; and

WHEREAS, by Resolution No. 47-2011 of February 28, 2011, the City Council authorized the creation of the Newburgh Housing Development Fund Company, Inc. to take title to certain City-owned improved and vacant properties to hold, manage, and restore these properties to the property tax roll utilizing, but not limited to greening and green technologies whenever possible, to support the development of vibrant, mixed income rental, lease/purchase and traditional homeownership options to stabilize the surrounding community; and

WHEREAS, by Resolution No. 54-2015 of March 23, 2015, the City Council expressed support for continued efforts to remediate distressed property through ongoing efforts of the Newburgh Community Land Bank, the City's Departments of Code Compliance and Planning and Development, and streamlined project review and approval processes in the City of Newburgh and continued collaboration with the Land Use Law Center at Pace Law School in its efforts to implement the City's Distressed Property Remediation Policy; and

WHEREAS, Newburgh Housing Development Fund Company, Inc. has provided the opportunity to access construction financing for the rehabilitation of property in order to return it to productive use and the tax rolls; and

WHEREAS, the City Council continues to support the Newburgh Housing Development Fund Company, Inc. as a component of the City's Distressed Property Remediation Policy and finds that maintaining this policy is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh hereby continues to sponsor Newburgh Housing Development Fund Company, Inc. as a housing development fund corporation under the New York State Private Housing

Finance Law and as a not-for-profit corporation under the Article 16 of the New York State Not-for-Profit Corporation Law and supports continued collaboration with the Newburgh Community Land Bank's efforts to implement the City's Distressed Property Remediation Policy.

CERTIFICATE OF INCORPORATION

OF

NEWBURGH HOUSING DEVELOPMENT FUND COMPANY, INC.

Pursuant to Article XI of the Private Housing Finance Law
and Section 402 of the Not-For-Profit Corporation Law

I, the undersigned, for the purpose of forming a corporation pursuant to Article XI of the Private Housing Finance Law and the Not-For-Profit Corporation Law of the State of New York, hereby certify as follows:

I

The name of the company is Newburgh Housing Development Fund Company, Inc. and is hereinafter referred to in this Certificate as the "Company".

II

The Company has been organized exclusively to develop on a non-profit basis housing for persons and families of low income, as defined in Article I, Section 2 of the Private Housing Finance Law, and other facilities incidental or appurtenant thereto, in Newburgh, New York.

The Company, in furtherance of its purposes, shall have all of the powers enumerated in Section 202 of the Not-For-Profit Corporation Law and is empowered to do and perform all acts necessary to accomplish the foregoing purposes, including but not limited to, the execution of a regulatory agreement with a funding agency or any agency or instrumentality thereof, and such other instruments and undertakings as may be necessary to enable the Company to secure the benefits of financing.

This Certificate of Incorporation may not be altered or amended without the consent of the State Commissioner of Housing and Community Renewal and funding agency, if any.

The Company is a corporation as defined in subparagraph (a)(5) of Section 102 of the Not-For-Profit Corporation Law. The Company is a Type D corporation under Section 201 of the Not-For-Profit Corporation Law.

Notwithstanding any other provisions of these articles, the Company is organized exclusively for one or more of the following purposes: religious, charitable, scientific, testing for public safety,

literary or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment) as specified in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), and shall not carry on any activities not permitted to be carried on by a corporation exempt from Federal income tax under Section 501(c)(3) of the Code or corresponding provisions of any subsequent Federal tax law.

The Company is not organized for pecuniary profit or financial gain. All income and earnings of the Company shall be used exclusively for its corporate purposes. No part of the net income, net earnings or assets of the Company shall inure to the benefit or profit of any private shareholder, firm, corporation, association or individual (except that reasonable compensation may be paid for services rendered to or for the Company), and no private shareholder, firm, corporation, association or individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Company.

No substantial part of the activities of the Company shall be the carrying on of propaganda, or otherwise attempting to influence legislation (except as otherwise provided in Section 501(h) of the Code). No part of the activities of the Company shall be the participating in, or intervening in (including the publication or distribution of statements), any political campaign on behalf of or against any candidate for public office.

III

In the event of the dissolution of the Company or the winding up of its affairs, the Company's property, after payment of the necessary expenses thereof, shall not be conveyed or distributed to any individual or organization created or operated for profit, but shall, subject to the approval of a Justice of the Supreme Court of the State of New York, be conveyed or distributed only to an organization or organizations created and operated for non-profit purposes substantially similar to those of the Company, and which shall qualify as an organization exempt from Federal income taxes under Section 501(c)(3) of the Code; provided, however, that the Corporation shall at all times have the power to convey all of its property to the Federal Housing Commissioner or his nominee.

IV

If the Company receives a temporary loan or advance from the Housing Development Fund or any municipal housing development fund, as established by, or pursuant to, Article Eleven of the Private Housing Finance Law, it shall be authorized to enter into an agreement with the Commissioner of Housing and Community Renewal of the State of New York or the supervising agency, as the case may be, providing for regulation with respect to rents, profits, dividends and disposition of property or franchises.

V

If the Company receives a temporary loan or advance from the Housing Development Fund or a municipal loan development fund, as established by, or pursuant to Article Eleven of the Private Housing Finance Law, the Commissioner of Housing and Community Renewal of the State of New York or the supervising agency, as the case may be, shall have the power, if, in his/her or its discretion, he/she or it determines either that such temporary loan or advance is in jeopardy of not being repaid, or that the proposed housing project for which such temporary loan or advance was made is in jeopardy of not being constructed, to appoint to the board of directors of the Company a number of new directors, which number shall be sufficient to constitute a majority of such board, notwithstanding any other provisions of this Certificate or any other provision of law.

VI

If the Company receives a payment, grant or loan from the Housing Trust Fund Corporation, the Housing Trust Fund Corporation shall have the power if, in its discretion, it determines either that any such payment, grant or loan is in jeopardy of not being repaid, or that the proposed housing project is in jeopardy of not being constructed or of not being operated in compliance with the payment, grant or loan, to appoint to the board of directors of the Company a number of new directors, which number shall be sufficient to constitute a majority of such board, notwithstanding any other provision of this Certificate of Incorporation.

VII

Nothing contained in the Certificate of Incorporation shall authorize the Company to undertake or carry out any of the activities specified in Section 404 of the Not-For-Profit Corporation Law.

VIII

The office of the Company is located in the County of Orange and the State of New York.

IX

By-Laws of the Company may be adopted by the directors of the Company at any regular meeting or at any special meeting called for that purpose, so long as such by-laws are not inconsistent with the provisions of this Certificate of Incorporation or Article XI of the Private Housing Finance Law, or the By-laws of the members, if applicable.

X

The number of directors of the Company shall be not less than three (3) nor more than eleven (11). The exact number of directors and their respective voting powers shall be set forth in the bylaws.

XII

The names and addresses of the directors of the Company until the first annual meeting are:

Name	Address
Richard F. Herbek	108 Orchard Road Briarcliff Manor, NY 10510
Curlie Dillard	350 N. Water Street Unit 6-9 Newburgh, NY 12550
Lisa Daily	27 City Terrace North Newburgh, NY 12550
Michael J. Vatter	11 Lovington Court Wallkill, NY 12589

XIII

The incorporator to this Certificate of Incorporation is of full age. At least two-thirds of the directors are Citizens of the United States, and at least one of the persons named as a director of the Company is a citizen of the United States and a resident of the State of New York.

XIV

The Company hereby designates the Secretary of State as its agent upon whom process may be served. The post office address of the Company to which the Secretary of State shall mail a copy of any process served upon him is: City Clerk, 83 Broadway, Newburgh, NY 12550.

XV

The duration of the Company shall be three years from the date of filing this Certificate of Incorporation with the Secretary of State.

IN WITNESS WHEREOF, I have made, subscribed and acknowledged this Certificate of Incorporation this 16th day of May, 2011.

Richard F. Herbek

STATE OF NEW YORK)
) ss.:
COUNTY OF ~~WESTCHESTER~~ ORANGE)

On the 10th day of May in the year 2011, before me, the undersigned, personally appeared, **RICHARD HERBEK,** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

MICHELLE KELSON
Notary Public, State Of New York
Sullivan County Clerk's #2564
Commission Expires: March 20, 2014

CERTIFICATE OF INCORPORATION

OF

NEWBURGH HOUSING DEVELOPMENT FUND COMPANY, INC.

Pursuant to Article XI of the Private Housing Finance Law
and
Section 402 of the Not-for-Profit Corporation Law

Filer:

ROSEMARIE NOONAN
55 South Broadway
Tarrytown, New York 10591

RESOLUTION NO.: 255 - 2010

OF

NOVEMBER 8, 2010

RESOLUTION OF THE CITY COUNCIL ADOPTING A DISTRESSED PROPERTY REMEDIATION POLICY FOR THE CITY OF NEWBURGH

WHEREAS, the Pace Law School Land Use Law Center, in coordination with the Center for Community Progress, has met with community stakeholders, made presentations, and submitted report to the City Council, in furtherance of Addressing Distressed Properties in the City of Newburgh; and

WHEREAS, the City Council, as a next step, wishes to adopt a Distressed Property Remediation Policy for the City; now, therefore

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York hereby adopts the following Distressed Property Remediation Policy:

1. The City Council hereby accepts the Addressing Distressed Properties report, in the form attached hereto, of the Pace Law School Land Use Law Center in conjunction with the Center for Community Progress, including its general policy recommendations regarding the improvement of the City's code enforcement process, the creation of a land bank, and the creation of a system of development readiness. In implementing the distressed property remediation program, all practical means of ensuring that local workers are hired to conduct building improvements and property rehabilitation shall be pursued. The City's workforce initiative shall be based on the most successful examples of such efforts elsewhere in the nation. Research on these programs shall be conducted and a report presented to the City Council recommending steps necessary to adopt best practices in the City;

2. The City Council hereby creates a Property Remediation Task Force, consisting of the following persons, to develop a step-by-step process for implementing the recommendation of the Addressing Distressed Properties report:

City Manager
Corporation Counsel
Director of Planning and Development
Fire Chief
Building Inspector
Superintendent of Public Works
Assessor; and

3. The City Council hereby authorizes the City Manager to take such steps as are necessary to create a City of Newburgh Land Bank, under the Private Housing Finance Law, to take title to certain City-owned improved and vacant properties in the targeted area generally bounded to the North by South Street, to the East by the Easterly rear property lines of properties adjoining Chambers Street, to the South by Broadway, and to the West by the Westerly rear property lines of properties adjoining Dubois Street, excepting those properties generally known as the Mid-Broadway Redevelopment Parcels, and to hold, manage, and restore these properties to the property tax roll.

I, Lorene Vitek, City Clerk of the City of Newburgh, hereby certify that I have compared the foregoing with the original resolution adopted by the Council of the City of Newburgh at a regular meeting, held Nov. 8, 2010 and that it is a true and correct copy of such original.

Witness my hand and seal of the City of Newburgh this 8th day of Nov. 20 10

City Clerk

RESOLUTION NO.: 47 - 2011

OF

FEBRUARY 28, 2011

RESOLUTION AMENDING RESOLUTION 255-2010 OF NOVEMBER 8, 2010 OF THE CITY COUNCIL ADOPTING A DISTRESSED PROPERTY REMEDIATION POLICY FOR THE CITY OF NEWBURGH

WHEREAS, the Pace Law School Land Use Law Center, in coordination with the Center for Community Progress, has met with community stakeholders, made presentations, and submitted report to the City Council, in furtherance of Addressing Distressed Properties in the City of Newburgh; and

WHEREAS, the City Council, as a next step, wishes to adopt a Distressed Property Remediation Policy for the City; now, therefore

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, New York hereby adopts the following Distressed Property Remediation Policy:

1. The City Council hereby accepts the Addressing Distressed Properties report, in the form attached hereto, of the Pace Law School Land Use Law Center in conjunction with the Center for Community Progress, including its general policy recommendations regarding the improvement of the City's code enforcement process, the creation of a land bank, and the creation of a system of development readiness. In implementing the distressed property remediation program, all practical means of ensuring that local workers are hired to conduct building improvements and property rehabilitation shall be pursued. The City's workforce initiative shall be based on the most successful examples of such efforts elsewhere in the nation. Research on these programs shall be conducted and a report presented to the City Council recommending steps necessary to adopt best practices in the City;

2. The City Council hereby creates a Property Remediation Task Force, consisting of the following persons, to develop a step-by-step process for implementing the recommendation of the Addressing Distressed Properties report:

City Manager
Corporation Counsel
Director of Planning and Development
Fire Chief
Building Inspector
Superintendent of Public Works

Assessor;
Police Chief
City Engineer
GIS Analyst
PathStone Community Improvement of Newburgh
Community Voices Heard
Habitat for Humanity

3. The City Council hereby authorizes the City Manager to take such steps as are necessary to create a land bank, to initially be known as the Newburgh Housing Development Fund Corporation, with its Board of Directors to consist of nine (9) members comprised of four (4) City members and incorporators consisting of a City Council Member to be appointed by the City Council, City Manager, Chair of the Property Remediation Task Force, a Planning Board member to be appointed by the Planning Board; and five (5) non-City members to be appointed by the Board of Directors consisting of representatives from anchor institutions in the City, local not-for-profit corporations, community members, and faith-based organizations in the community, under the Private Housing Finance Law,

Such land bank, once staffing, accounting, and funding have been determined by the City Council and following public hearing and authorization by the City Council, to take title to certain City-owned, improved, occupied, and vacant properties in the targeted area generally bounded to the North by Gidney Avenue (west of Liberty Street) and Clinton Street (east of Liberty Street), to the East by Grand Street, to the South by Broadway, and to the West by Dubois Street (north of First Street) and City Terrace (south of First Street), , and to hold, manage, and restore these properties utilizing, but not limited to greening and green technologies whenever possible, to support the development of vibrant, mixed income rental, lease/purchase and traditional homeownership options to stabilize the surrounding community and restore these properties to the property tax roll.

I, Lorene Vitek, City Clerk of the City of Newburgh, hereby certify that I have compared the foregoing with the original resolution adopted by the Council of the City of Newburgh at a regular meeting held 2/28/11 and that it is a true and correct copy of such original.

Witness my hand and seal of the City of Newburgh this 1st day of March 20 11

City Clerk

RESOLUTION NO. 54 2015

OF

MARCH 23, 2015

A RESOLUTION OF THE CITY COUNCIL ESTABLISHING CONTINUED SUPPORT FOR THE CITY OF NEWBURGH'S DISTRESSED PROPERTY REMEDIATION POLICY

WHEREAS, the Land Use Law Center at Pace Law School has met with City staff and officials; the City's land use boards; and community stakeholders; conducted trainings; made presentations; researched best land use practices from other municipalities within New York State and across the country; and submitted reports to the City Council, all to help address and remediate Distressed Properties in the City of Newburgh; and

WHEREAS, by Resolution No. 255-2010 of November 8, 2010, the City Council of the City of Newburgh accepted the Addressing Distressed Properties report of the Land Use Law Center at Pace Law School, in conjunction with the Center for Community Progress, and adopted a Distressed Property Remediation Policy for the City based on the report's general policy recommendations to improve the City's code enforcement process, create a land bank, and establish a system of development readiness; and

WHEREAS, also by Resolution No. 255-2010 of November 8, 2010, the City Council created a Distressed Property Task Force comprised of City staff and officials, and representatives of interested community groups to develop a step-by-step process for implementing recommendations from the Addressing Distressed Properties report; and

WHEREAS, by Resolution No. 47-2011 of February 28, 2011, the City Council authorized the creation of the Newburgh Community Land Bank to take title to certain City-owned improved and vacant properties to hold, manage, and restore these properties to the property tax roll; and

WHEREAS, by Resolution No. 87-2012 of June 18, 2012, the City Council accepted the Streamlining Newburgh's Land Use Process report of the Land Use Law Center at Pace Law School and authorized implementation of its recommendations, including an update to the City's zoning code to remove unnecessary regulatory barriers, consolidation of all environmental and advisory committees into a new Conservation Advisory Council, and streamlined processes for environmental, coastal consistency, historic preservation, and general project review; and

WHEREAS, by Resolution No. 18-2013 of January 28, 2013, the City Council accepted Professors Joseph Schilling and Kermit Lind's Code Enforcement Assessment Report and its recommendations, authorizing a comprehensive update of the City's code enforcement processes

and technologies through the development of (1) a real property data system to support data driven plans and actions and to provide research and staffing for projects and programs, including those of community based organizations and (2) a technology and communications strategy for streamlining code enforcement operations and making code enforcement actions more transparent; and

WHEREAS, the City Council continues to support the City's Distressed Property Remediation Policy and finds that maintaining this policy is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh hereby supports continued efforts to remediate distressed property through ongoing efforts of the Newburgh Community Land Bank, the City's Departments of Code Compliance and Planning and Development, and streamlined project review and approval processes in the City of Newburgh; and

BE IT FURTHER RESOLVED, by the City Council of the City of Newburgh hereby supports continued collaboration with the Land Use Law Center at Pace Law School in its efforts to implement the City's Distressed Property Remediation Policy; and

BE IT FURTHER RESOLVED, by the City Council of the City of Newburgh that the City Manager be and he hereby is authorized to direct the City staff to fully implement the City of Newburgh Distressed Property Remediation Policy; to oversee and manage the Distressed Property Task Force as a tool to implement the City of Newburgh Distressed Property Remediation Policy.

I, K[illegible] Cotten, Deputy City Clerk of the City of New[illegible] hereby certify that I have compared the foregoing with the original resolution adopted by the Council of the City of Newburgh at a regular meeting held 3/23/15 and that it is a true and correct copy of such original.

Witness my hand and seal of the City of Newburgh this 24th day of March, 20 15

Deputy City Clerk

RESOLUTION NO.: _____44_____ - 2016

OF

FEBRUARY 22, 2016

A RESOLUTION SUPPORTING THE GRANT APPLICATION OF THE HUDSON RIVER SLOOP *CLEARWATER* TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR FUNDING OF A WATERCRAFT INSPECTION STEWARD PROGRAM AT THE WASHINGTON STREET BOAT LAUNCH RAMP

WHEREAS, New York State Department of Environmental Conservation is currently providing funding for organizations to implement a Watercraft Inspection Steward Program at launches throughout New York State.; and

WHEREAS, The Watercraft Inspection Stewards (WIS) provide free, voluntary boat inspections to recreational boaters and fisherman, and remove any animal or plant material that are found on the boat, which help to minimize the amount of potentially invasive aquatic species from spreading into our waterways; and

WHEREAS, Hudson River Sloop *Clearwater* would like to implement a WIS Program at the Newburgh Boat Launch each season between 2016 and 2018 under which program a steward would be located there for eight (8) hours each day, Thursday through Sunday, for sixteen (16) weeks between Memorial Day weekend and Labor Day weekend for the purpose of increasing awareness of aquatic invasive species and how clean boating practices can minimize their spread; and

WHEREAS, the City Council finds that supporting the grant application of the Hudson River Sloop *Clearwater* for funding to implement a WIS Program at the Newburgh Boat Launch each season between 2016 and 2018 is in the best interests of the City of Newburgh and the health, safety and welfare of its residents, businesses and visitors;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Council supports the grant application of the Hudson River Sloop *Clearwater* to the New York State Department of Environmental Conservation for funding to implement a WIS Program at the Newburgh Boat Launch each season between 2016 and 2018; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh that the City Manager be and he is hereby authorized to execute any documents necessary and appropriate to facilitate the implementation of a WIS Program by the Hudson River Sloop *Clearwater* upon the award of grant funding by the New York State Department of Environmental Conservation.

RESOLUTION NO.: _____ - 2016

OF

FEBRUARY 22, 2016

A RESOLUTION SUPPORTING THE GRANT APPLICATION OF THE HUDSON RIVER SLOOP *CLEARWATER* TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR FUNDING OF A WATERCRAFT INSPECTION STEWARD PROGRAM AT THE WASHINGTON STREET BOAT LAUNCH RAMP

WHEREAS, New York State Department of Environmental Conservation is currently providing funding for organizations to implement a Watercraft Inspection Steward Program at launches throughout New York State.; and

WHEREAS, The Watercraft Inspection Stewards (WIS) provide free, voluntary boat inspections to recreational boaters and fisherman, and remove any animal or plant material that are found on the boat, which help to minimize the amount of potentially invasive aquatic species from spreading into our waterways; and

WHEREAS, Hudson River Sloop *Clearwater* would like to implement a WIS Program at the Newburgh Boat Launch each season between 2016 and 2018 under which program a steward would be located there for eight (8) hours each day, Thursday through Sunday, for sixteen (16) weeks between Memorial Day weekend and Labor Day weekend for the purpose of increasing awareness of aquatic invasive species and how clean boating practices can minimize their spread; and

WHEREAS, the City Council finds that supporting the grant application of the Hudson River Sloop *Clearwater* for funding to implement a WIS Program at the Newburgh Boat Launch each season between 2016 and 2018 is in the best interests of the City of Newburgh and the health, safety and welfare of its residents, businesses and visitors;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Council supports the grant application of the Hudson River Sloop *Clearwater* to the New York State Department of Environmental Conservation for funding to implement a WIS Program at the Newburgh Boat Launch each season between 2016 and 2018; and

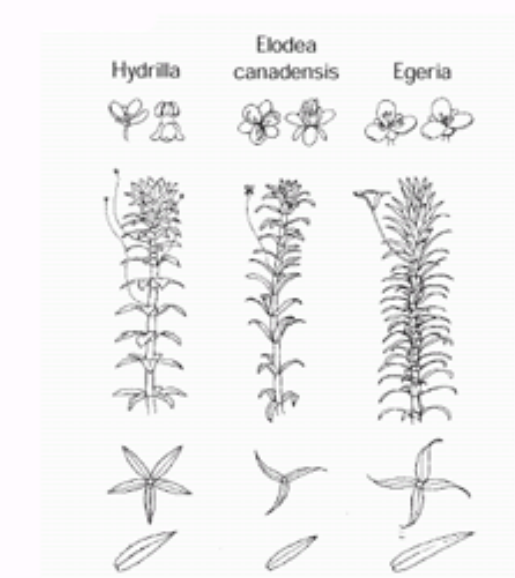
BE IT FURTHER RESOLVED, by the Council of the City of Newburgh that the City Manager be and he is hereby authorized to execute any documents necessary and appropriate to facilitate the implementation of a WIS Program by the Hudson River Sloop *Clearwater* upon the award of grant funding by the New York State Department of Environmental Conservation.

Watercraft Inspection Stewards

Samantha Epstein
Hudson River Sloop Clearwater
epstein@clearwater.org
(845) 265-8080 x7114

Hydrilla

- Identification
  - Leaves in whorl around stem
  - 3-8 (typically 5) leaves per whorl
  - Serrated leaf edges
- Modes of spread
  - Tubers and turions



NO

Clearwater
STOP AQUATIC
HITCHHIKERS!
WATERCRAFT INSPECTION STEWARDS
www.clearwater.org

STRIPER
SEA LION

Steward Program 2015

- Croton Echo Kayak and Canoe Launch
  - Inspected 500 boats (3 declined)
    - 24 saves
  - Stewarded 25 days
- Norrie Mills State Park Marina Launch
  - Inspected 292 boats (11 declined)
    - 14 saves
  - Stewarded 24 days

6 NYCRR Part 576 "AIS Spread Prevention"

- Boaters must take "reasonable precautions" such as removing visible plant or animal matter, washing, draining, or drying before launching watercrafts… into public waterbodies to prevent the spread of AIS

Contact Information

- Email: epstein@clearwater.org
- Phone number: (845) 265-8080 x7114

Michael G. Ciaravino
City Manager
83 Broadway
Newburgh, NY 12550

Michael G. Ciaravino,

My name is Samantha Epstein, and I am the Invasive Species Program Coordinator for the Hudson River Sloop *Clearwater.* I am writing to you to discuss a project that I would like to implement starting in 2016 at the Newburgh Boat Launch**.** The NYS Department of Environmental Conservation is currently providing funding for organizations to implement a Watercraft Inspection Steward Program at launches throughout New York State. The Watercraft Inspection Stewards (WIS) provide free, voluntary boat inspections to recreational boaters and fisherman, and remove any animal or plant material that are found on the boat. These programs help to minimize the amount of potentially invasive aquatic species from spreading into our waterways.

Aquatic invasive species are species (plants, animals, etc.) that are not native to our aquatic ecosystems and can threaten our aquatic ecology, economy, or human health. Aquatic invasive species are a huge threat to New York's waterways that can cost millions of dollars annually if ignored. Watercraft Inspection Steward Programs are becoming more popular nationwide, and have been very successful at limiting aquatic invasive species spread via hitchhikers on boats.

Clearwater would like to implement a WIS Program at the Newburgh Boat Launch each season between 2016 and 2018. A steward would be located there for eight (8) hours each day, Thursday through Sunday, for sixteen (16) weeks between Memorial Day weekend and Labor Day weekend. I would train the steward to do voluntary boat inspections before the boats enter and after they exit the water. The steward would also be there to teach basic plant identification, and to answer any questions that boaters might have about aquatic invasive species. Our goal isn't to pester the boaters, but to increase awareness of aquatic invasive species and how clean boating practices can minimize their spread.

I hope that the City of Newburgh sees our presence at this boat launch as beneficial, and I would appreciate your permission and support to have our steward there. If you have any questions or concerns, please email me at Epstein@clearwater.org or call me at (845) 265-8080 x7114. Thank you very much for your time and consideration.

All the best,

Samantha Epstein
Invasive Species Program Coordinator
724 Wolcott Avenue
Beacon NY, 12508
Email: Epstein@clearwater.org
Phone: (845) 265-8080 x7114

Letter of Permission

This letter gives the Hudson River Sloop *Clearwater* permission to place a Watercraft Inspection Steward at the Newburgh Boat Launch four (4) days each week, Thursday through Sunday, between Memorial Day Weekend and Labor Day Weekend for the years 2016, 2017, and 2018.

Stewards will respect the boundaries of boaters and will not pester any boaters or fisherman. Their only task at this launch it to provide free, voluntary boat inspections, answer any questions about aquatic invasive species, and provide educational materials to boaters who would like more information.

X _____ X _____

(Print Name) (Signature)

X_____

(Date)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish, Wildlife & Marine Resources, Bureau of Fisheries, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3161 | F: (845) 255-4659
www.dec.ny.gov

February 9, 2016

Ms. Naomi Fay
City of Newburgh
83 Broadway
Newburgh, NY 12550

Dear Ms. Fay,

New York State recently released its updated Aquatic Invasive Species Management Plan, the top priority of which is expanding boat stewardship coverage throughout the state. Boat stewards raise public awareness about aquatic invasive species (AIS) and provide valuable tips for preventive measures that recreational water users can take in order to reduce the likelihood of their spreading AIS. Thousands of boaters, anglers, canoeists, kayakers, and jet skiers use the Hudson River each year and the river is now inhabited by more than 120 aquatic invasive species including zebra mussels, Chinese mitten crab, and water chestnut. Keeping out additional invasive species and preventing the transport of existing invasive species to other waterbodies is extremely important for reducing economic and ecological impacts.

Thank you for your consideration of our request and helping to protect the Hudson River and the waters of New York State.

Sincerely,

Michael J. Flaherty
Fisheries Manager, Region 3
michael.flaherty@dec.ny.gov
(845) 256-3066

HUDSO58 OP ID: KJ

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 02/10/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Ralph V Ellis Insurance Agency
85 Civic Center Plaza Ste 102
Poughkeepsie, NY 12601
Office

CONTACT NAME: Karla P Jerry
PHONE (A/C, No, Ext): 845-485-6300 FAX (A/C, No): 845-485-6603
E-MAIL ADDRESS: Kjerry@ralphvellisinc.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Philadelphia Indemnity Ins Co	18058
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Hudson River Sloop
Clearwater Inc
724 Wolcott Ave
Beacon, NY 12508

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE [X] OCCUR X Professional Liab GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC OTHER:	X		PHPK1376818 PHPK1376818- CLAIMS MADE	09/19/2015 09/19/2015	09/19/2016 09/19/2016	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 100,000 $ 5,000 $ 1,000,000 $ 3,000,000 $ 3,000,000	
A	AUTOMOBILE LIABILITY X ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS			PHPK1376818	09/19/2015	09/19/2016	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $	
A	X UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED X RETENTION $ 10,000			PHUB510605	09/19/2015	09/19/2016	EACH OCCURRENCE AGGREGATE	$ 1,000,000 $ 1,000,000	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N [ ] (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A					PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ $ $	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of Newburgh is additional insured as required by written agreement and per form PI-GLD-HS NY herein attached and and per policy forms and conditions

CERTIFICATE HOLDER CITY0-1

City of Newburgh
83 Broadway
Newburgh, NY 12550

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

GENERAL LIABILITY DELUXE ENDORSEMENT: HUMAN SERVICES

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE

The following is a summary of the Limits of Insurance and additional coverage provided by this endorsement. For complete details on specific coverages, consult the policy contract wording.

It is our stated intention that the various endorsements, coverage parts or policy issued to you by us, or any company affiliated with us, do not provide any duplication or overlap of coverage for the same claim or "suit." If this endorsement and any other coverage part or policy issued to you by us, or any company affiliated with us, apply to the same claim, "suit," or medical expenses, we shall not be liable under this endorsement for a greater proportion of the total loss for that claim than this endorsement's applicable Limit of Insurance bears to the total applicable Limits of Insurance under all such endorsements, coverage parts or policies.

This condition does not apply to any excess or umbrella policy issued by us specifically to apply as excess insurance over the underlying Commercial General Liability policy.

Coverage Applicable	Limit of Insurance	Page #
Extended Property Damage	included	2
Limited Rental Lease Agreement Contractual Liability	$50,000 limit	2
Non-Owned Watercraft	Less than 58 feet	2
Damage to Property You Own, Rent, or Occupy	$30,000 limit	3
Damage to Premises Rented to You	$1,000,000	3
HIPAA	Clarification	4
Medical Payments	$20,000	5
Medical Payments – Extended Reporting Period	3 years	5
Athletic Activities	Amended	5
Supplementary Payments – Bail Bonds	$5,000	5
Supplementary Payment – Loss of Earnings	$1,000 per day	5
Key and Lock Replacement – Janitorial Services Client Coverage	$10,000 limit	5
Additional Insured – Newly Acquired Time Period	Amended	6
Additional Insured – Medical Directors and Administrators	Included	7
Additional Insured – Managers and Supervisors (with Fellow Employee Coverage)	Included	7
Additional Insured – Broadened Named Insured	Included	7
Additional Insured – Funding Source	Included	7
Additional Insured – Home Care Providers	Included	7
Additional Insured – Managers, Landlords, or Lessors of Premises	Included	7
Additional Insured – Lessor of Leased Equipment	Included	7

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Additional Insured – Grantor of Permits	Included	8
Additional Insured – Vendor	Included	8
Additional Insured – Franchisor	Included	9
Additional Insured – When Required by Contract	Included	9
Additional Insured – Owners, Lessees, or Contractors	Included	9
Additional Insured – State or Political Subdivisions	Included	9
Duties in the Event of Occurrence, Claim or Suit	Included	10
Unintentional Failure to Disclose Hazards	Included	10
Transfer of Rights of Recovery Against Others To Us	Clarification	10
Liberalization	Included	11
Personal and Advertising Injury – Includes Abuse of Process, Discrimination	Included	11

A. Extended Property Damage

SECTION I – COVERAGES, COVERAGE A BODILY INJURY AND PROPERTY DAMAGE LIABILITY, Subsection **2. Exclusions**, Paragraph **a.** is deleted in its entirety and replaced by the following:

a. Expected or Intended Injury

"Bodily injury" or property damage" expected or intended from the standpoint of the insured. This exclusion does not apply to "bodily injury" or "property damage" resulting from the use of reasonable force to protect persons or property.

B. Limited Rental Lease Agreement Contractual Liability

SECTION I – COVERAGES, COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY, Subsection **2. Exclusions**, Paragraph **b. Contractual Liability** is amended to include the following:

(3) Based on the named insured's request at the time of claim, we agree to indemnify the named insured for their liability assumed in a contract or agreement regarding the rental or lease of a premises on behalf of their client, up to $50,000. This coverage extension only applies to rental lease agreements. This coverage is excess over any renter's liability insurance of the client.

C. Non-Owned Watercraft

SECTION I – COVERAGES, COVERAGE A BODILY INJURY AND PROPERTY DAMAGE LIABILITY, Subsection **2. Exclusions,** Paragraph **g. (2)** is deleted in its entirety and replaced by the following:

(2) A watercraft you do not own that is:

(a) Less than 58 feet long; and

(b) Not being used to carry persons or property for a charge;

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This provision applies to any person, who with your consent, either uses or is responsible for the use of a watercraft. This insurance is excess over any other valid and collectible insurance available to the insured whether primary, excess or contingent.

D. **Damage to Property You Own, Rent or Occupy**

SECTION I – COVERAGES, COVERAGE A BODILY INJURY AND PROPERTY DAMAGE LIABILITY, Subsection **2. Exclusions**, Paragraph **j. Damage to Property**, Item **(1)** is deleted in its entirety and replaced with the following:

(1) Property you own, rent, or occupy, including any costs or expenses incurred by you, or any other person, organization or entity, for repair, replacement, enhancement, restoration or maintenance of such property for any reason, including prevention of injury to a person or damage to another's property, unless the damage to property is caused by your client, up to a $30,000 limit. A client is defined as a person under your direct care and supervision.

E. **Damage to Premises Rented to You**

1. If damage by fire to premises rented to you is not otherwise excluded from this Coverage Part, the word "fire" is changed to "fire, lightning, explosion, smoke, or leakage from automatic fire protective systems" where it appears in:

   a. The last paragraph of **SECTION I – COVERAGES, COVERAGE A BODILY INJURY AND PROPERTY DAMAGE LIABILITY**, Subsection **2. Exclusions**; is deleted in its entirety and replaced by the following:

      Exclusions **c.** through **n.** do not apply to damage by fire, lightning, explosion, smoke, or leakage from automatic fire protective systems to premises while rented to you or temporarily occupied by you with permission of the owner. A separate limit of insurance applies to this coverage as described in **SECTION III – LIMITS OF INSURANCE**.

   b. **SECTION III – LIMITS OF INSURANCE**, Paragraph 6. is deleted in its entirety and replaced by the following:

      Subject to Paragraph 5. above, the Damage To Premises Rented To You Limit is the most we will pay under Coverage A for damages because of "property damage" to any one premises, while rented to you, or in the case of damage by fire, lightning, explosion, smoke, or leakage from automatic fire protective systems while rented to you or temporarily occupied by you with permission of the owner.

   c. **SECTION V – DEFINITIONS**, Paragraph 9.a., is deleted in its entirety and replaced by the following:

      A contract for a lease of premises. However, that portion of the contract for a lease of premises that indemnifies any person or organization for damage by fire, lightning, explosion, smoke, or leakage from automatic fire protective systems to premises while rented to you or temporarily occupied by you with permission of the owner is not an "insured contract";

2. **SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS**, Subsection **4. Other Insurance**, Paragraph **b. Excess Insurance, (1) (a) (ii)** is deleted in its entirety and replaced by the following:

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That is insurance for fire, lightning, explosion, smoke, or leakage from automatic fire protective systems for premises rented to you or temporarily occupied by you with permission of the owner;

3. The Damage To Premises Rented To You Limit section of the Declarations is amended to the greater of:

   a. $1,000,000; or

   b. The amount shown in the Declarations as the Damage to Premises Rented to You Limit.

   This is the most we will pay for all damage proximately caused by the same event, whether such damage results from fire, lightning, explosion, smoke, or leaks from automatic fire protective systems or any combination thereof.

F. **HIPAA**

SECTION I – COVERAGES, COVERAGE B PERSONAL AND ADVERTISING INJURY LIABILITY, is amended as follows:

1. Paragraph **1. Insuring Agreement** is amended to include the following:

   We will pay those sums that the insured becomes legally obligated to pay as damages because of a "violation(s)" of the Health Insurance Portability and Accountability Act (HIPAA). We have the right and the duty to defend the insured against any "suit," "investigation," or "civil proceeding" seeking these damages. However, we will have no duty to defend the insured against any "suit" seeking damages, "investigation," or "civil proceeding" to which this insurance does not apply.

2. Paragraph **2. Exclusions** is amended to include the following additional exclusions:

   This insurance does not apply to:

   a. **Intentional, Willful, or Deliberate Violations**

      Any willful, intentional, or deliberate "violation(s)" by any insured.

   b. **Criminal Acts**

      Any "violation" which results in any criminal penalties under the HIPAA.

   c. **Other Remedies**

      Any remedy other than monetary damages for penalties assessed.

   d. **Compliance Reviews or Audits**

      Any compliance reviews by the Department of Health and Human Services.

3. **SECTION V – DEFINITIONS** is amended to include the following additional definitions:

   a. "Civil proceeding" means an action by the Department of Health and Human Services (HHS) arising out of "violations."

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b. "Investigation" means an examination of an actual or alleged "violation(s)" by HHS. However, "investigation" does not include a Compliance Review.

c. "Violation" means the actual or alleged failure to comply with the regulations included in the HIPAA.

G. **Medical Payments – Limit Increased to $20,000, Extended Reporting Period**

If **COVERAGE C MEDICAL PAYMENTS** is not otherwise excluded from this Coverage Part:

1. The Medical Expense Limit is changed subject to all of the terms of **SECTION III - LIMITS OF INSURANCE** to the greater of:

   a. $20,000; or
   b. The Medical Expense Limit shown in the Declarations of this Coverage Part.

2. **SECTION I – COVERAGE, COVERAGE C MEDICAL PAYMENTS**, Subsection **1. Insuring Agreement**, a. (3) (b) is deleted in its entirety and replaced by the following:

   (b) The expenses are incurred and reported to us within three years of the date of the accident.

H. **Athletic Activities**

SECTION I – COVERAGES, COVERAGE C MEDICAL PAYMENTS, Subsection **2. Exclusions**, Paragraph **e. Athletic Activities** is deleted in its entirety and replaced with the following:

e. **Athletic Activities**

To a person injured while taking part in athletics.

I. **Supplementary Payments**

SECTION I – COVERAGES, SUPPLEMENTARY PAYMENTS - COVERAGE A AND B are amended as follows:

1. b. is deleted in its entirety and replaced by the following:

1. b. Up to $5000 for cost of bail bonds required because of accidents or traffic law violations arising out of the use of any vehicle to which the Bodily Injury Liability Coverage applies. We do not have to furnish these.

1.d. is deleted in its entirety and replaced by the following:

1. d. All reasonable expenses incurred by the insured at our request to assist us in the investigation or defense of the claim or "suit", including actual loss of earnings up to $1,000 a day because of time off from work.

J. **Key and Lock Replacement – Janitorial Services Client Coverage**

SECTION I – COVERAGES, SUPPLEMENTARY PAYMENTS – COVERAGES A AND B is amended to include the following:

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We will pay for the cost to replace keys and locks at the "clients" premises due to theft or other loss to keys entrusted to you by your "client," up to a $10,000 limit per occurrence and $10,000 policy aggregate.

We will not pay for loss or damage resulting from theft or any other dishonest or criminal act that you or any of your partners, members, officers, "employees", "managers", directors, trustees, authorized representatives or any one to whom you entrust the keys of a "client" for any purpose commit, whether acting alone or in collusion with other persons.

The following, when used on this coverage, are defined as follows:

a. "Client" means an individual, company or organization with whom you have a written contract or work order for your services for a described premises and have billed for your services.

b. "Employee" means:

(1) Any natural person:

(a) While in your service or for 30 days after termination of service;

(b) Who you compensate directly by salary, wages or commissions; and

(c) Who you have the right to direct and control while performing services for you; or

(2) Any natural person who is furnished temporarily to you:

(a) To substitute for a permanent "employee" as defined in Paragraph **(1)** above, who is on leave; or

(b) To meet seasonal or short-term workload conditions;

while that person is subject to your direction and control and performing services for you.

(3) "Employee" does not mean:

(a) Any agent, broker, person leased to you by a labor leasing firm, factor, commission merchant, consignee, independent contractor or representative of the same general character; or

(b) Any "manager," director or trustee except while performing acts coming within the scope of the usual duties of an "employee."

c. "Manager" means a person serving in a directorial capacity for a limited liability company.

K. Additional Insureds

SECTION II – WHO IS AN INSURED is amended as follows:

1. If coverage for newly acquired or formed organizations is not otherwise excluded from this Coverage Part, Paragraph **3.a.** is deleted in its entirely and replaced by the following:

   a. Coverage under this provision is afforded until the end of the policy period.

2. Each of the following is also an insured:

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a. **Medical Directors and Administrators** – Your medical directors and administrators, but only while acting within the scope of and during the course of their duties as such. Such duties do not include the furnishing or failure to furnish professional services of any physician or psychiatrist in the treatment of a patient.

b. **Managers and Supervisors** – Your managers and supervisors are also insureds, but only with respect to their duties as your managers and supervisors. Managers and supervisors who are your "employees" are also insureds for "bodily injury" to a co-"employee" while in the course of his or her employment by you or performing duties related to the conduct of your business.

   This provision does not change Item 2.a.(1)(a) as it applies to managers of a limited liability company.

c. **Broadened Named Insured** – Any organization and subsidiary thereof which you control and actively manage on the effective date of this Coverage Part. However, coverage does not apply to any organization or subsidiary not named in the Declarations as Named Insured, if they are also insured under another similar policy, but for its termination or the exhaustion of its limits of insurance.

d. **Funding Source** – Any person or organization with respect to their liability arising out of:

   (1) Their financial control of you; or

   (2) Premises they own, maintain or control while you lease or occupy these premises.

   This insurance does not apply to structural alterations, new construction and demolition operations performed by or for that person or organization.

e. **Home Care Providers** – At the first Named Insured's option, any person or organization under your direct supervision and control while providing for you private home respite or foster home care for the developmentally disabled.

f. **Managers, Landlords, or Lessors of Premises** – Any person or organization with respect to their liability arising out of the ownership, maintenance or use of that part of the premises leased or rented to you subject to the following additional exclusions:

   This insurance does not apply to:

   (1) Any "occurrence" which takes place after you cease to be a tenant in that premises; or

   (2) Structural alterations, new construction or demolition operations performed by or on behalf of that person or organization.

g. **Lessor of Leased Equipment – Automatic Status When Required in Lease Agreement With You** – Any person or organization from whom you lease equipment when you and such person or organization have agreed in writing in a contract or agreement that such person or organization is to be added as an additional insured on your policy. Such person or organization is an insured only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" caused, in whole or in part, by your maintenance, operation or use of equipment leased to you by such person or organization.

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A person's or organization's status as an additional insured under this endorsement ends when their contract or agreement with you for such leased equipment ends.

With respect to the insurance afforded to these additional insureds, this insurance does not apply to any "occurrence" which takes place after the equipment lease expires.

h. **Grantors of Permits** – Any state or political subdivision granting you a permit in connection with your premises subject to the following additional provision:

(1) This insurance applies only with respect to the following hazards for which the state or political subdivision has issued a permit in connection with the premises you own, rent or control and to which this insurance applies:

(a) The existence, maintenance, repair, construction, erection, or removal of advertising signs, awnings, canopies, cellar entrances, coal holes, driveways, manholes, marquees, hoist away openings, sidewalk vaults, street banners or decorations and similar exposures;

(b) The construction, erection, or removal of elevators; or

(c) The ownership, maintenance, or use of any elevators covered by this insurance.

i. **Vendors** – Only with respect to "bodily injury" or "property damage" arising out of "your products" which are distributed or sold in the regular course of the vendor's business, subject to the following additional exclusions:

(1) The insurance afforded the vendor does not apply to:

(a) "Bodily injury" or "property damage" for which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the vendor would have in the absence of the contract or agreement;

(b) Any express warranty unauthorized by you;

(c) Any physical or chemical change in the product made intentionally by the vendor;

(d) Repackaging, except when unpacked solely for the purpose of inspection, demonstration, testing, or the substitution of parts under instructions from the manufacturer, and then repackaged in the original container;

(e) Any failure to make such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products;

(f) Demonstration, installation, servicing or repair operations, except such operations performed at the vendor's premises in connection with the sale of the product;

(g) Products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any other thing or substance by or for the vendor; or

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(h) "Bodily injury" or "property damage" arising out of the sole negligence of the vendor for its own acts or omissions or those of its employees or anyone else acting on its behalf. However, this exclusion does not apply to:

(i) The exceptions contained in Sub-paragraphs **(d)** or **(f)**; or

(ii) Such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products.

(2) This insurance does not apply to any insured person or organization, from whom you have acquired such products, or any ingredient, part or container, entering into, accompanying or containing.

j. **Franchisor** – Any person or organization with respect to their liability as the grantor of a franchise to you.

k. **As Required by Contract** – Any person or organization where required by a written contract executed prior to the occurrence of a loss. Such person or organization is an additional insured for "bodily injury," "property damage" or "personal and advertising injury" but only for liability arising out of the negligence of the named insured. The limits of insurance applicable to these additional insureds are the lesser of the policy limits or those limits specified in a contract or agreement. These limits are included within and not in addition to the limits of insurance shown in the Declarations

l. **Owners, Lessees or Contractors** – Any person or organization, but only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" caused, in whole or in part, by:

(1) Your acts or omissions; or

(2) The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured when required by a contract.

With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

(a) All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or

(b) That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

m. **State or Political Subdivisions** – Any state or political subdivision as required, subject to the following provisions:

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED
PRIMARY AND NON-CONTRIBUTORY INSURANCE

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Effective Date:

Name of Person or Organization (Additional Insured):

SECTION II – WHO IS AN INSURED is amended to include as an additional insured the person(s) or organization(s) shown in the endorsement Schedule, but only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" arising out of or relating to your negligence in the performance of "your work" for such person(s) or organization(s) that occurs on or after the effective date shown in the endorsement Schedule.

This insurance is primary to and non-contributory with any other insurance maintained by the person or organization (Additional Insured), except for loss resulting from the sole negligence of that person or organization.

This condition applies even if other valid and collectible insurance is available to the Additional Insured for a loss or "occurrence" we cover for this Additional Insured.

The Additional Insured's limits of insurance do not increase our limits of insurance, as described in **SECTION III – LIMITS OF INSURANCE**.

All other terms, conditions, and exclusions under the policy are applicable to this endorsement and remain unchanged.

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(1) This insurance applies only with respect to operations performed by you or on your behalf for which the state or political subdivision has issued a permit, and is required by contract.

(2) This insurance does not apply to:

(a) "Bodily injury," "property damage" or "personal and advertising injury" arising out of operations performed for the state or municipality; or

(b) "Bodily injury" or "property damage" included within the "products-completed operations hazard."

L. Duties in the Event of Occurrence, Claim or Suit

SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS, Paragraph **2.** is amended as follows:

a. is amended to include:

This condition applies only when the "occurrence" or offense is known to:

(1) You, if you are an individual;

(2) A partner, if you are a partnership; or

(3) An executive officer or insurance manager, if you are a corporation.

b. is amended to include:

This condition will not be considered breached unless the breach occurs after such claim or "suit" is known to:

(1) You, if you are an individual;

(2) A partner, if you are a partnership; or

(3) An executive officer or insurance manager, if you are a corporation.

M. Unintentional Failure To Disclose Hazards

SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS, 6. Representations is amended to include the following:

It is agreed that, based on our reliance on your representations as to existing hazards, if you should unintentionally fail to disclose all such hazards prior to the beginning of the policy period of this Coverage Part, we shall not deny coverage under this Coverage Part because of such failure.

N. Transfer of Rights of Recovery Against Others To Us

SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS, 8. Transfer of Rights of Recovery Against Others To Us is deleted in its entirety and replaced by the following:

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If the insured has rights to recover all or part of any payment we have made under this Coverage Part, those rights are transferred to us. The insured must do nothing after loss to impair them. At our request, the insured will bring "suit" or transfer those rights to us and help us enforce them.

Therefore, the insured can waive the insurer's rights of recovery prior to the occurrence of a loss, provided the waiver is made in a written contract.

O. Liberalization

SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS, is amended to include the following:

If we revise this endorsement to provide more coverage without additional premium charge, we will automatically provide the additional coverage to all endorsement holders as of the day the revision is effective in your state.

P. Personal and Advertising Injury – Abuse of Process, Discrimination

If **COVERAGE B PERSONAL AND ADVERTISING INJURY LIABILITY COVERAGE** is not otherwise excluded from this Coverage Part, the definition of "personal and advertising injury" is amended as follows:

1. **SECTION V – DEFINITIONS**, Paragraph 14.b. is deleted in its entirety and replaced by the following:

   b. Malicious prosecution or abuse of process;

2. **SECTION V – DEFINITIONS**, Paragraph 14. is amended by adding the following:

   Discrimination based on race, color, religion, sex, age or national origin, for damages resulting from injury for which the insured is liable solely due to either disparate impact or vicarious liability. Personal and advertising injury does not mean discrimination:

   a. Done intentionally by or at the direction of, or with the knowledge or consent of:

      (1) Any insured; or

      (2) Any executive officer, director, stockholder, partner or member of the insured;

   b. Directly or indirectly related to the employment, former or prospective employment, termination of employment, or application for employment of any person or persons by an insured;

   c. Directly or indirectly related to the sale, rental, lease or sublease or prospective sales, rental, lease or sub-lease of any room, dwelling or premises by or at the direction of any insured; or

   d. Insurance for such discrimination is prohibited by or held in violation of law, public policy, legislation, court decision or administrative ruling.

   The above does not apply to fines or penalties imposed because of discrimination.

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RESOLUTION NO.: _____45_____ - 2016

OF

FEBRUARY 22, 2016

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT DONATIONS FOR THE CITY OF NEWBURGH AUXILIARY POLICE

WHEREAS, the City of Newburgh maintains a unit of Auxiliary Police Officers; and

WHEREAS, various businesses, firms and individuals have made and are willing to make contributions of money, equipment and in-kind assistance to support this program; and

WHEREAS, the City Council proposes to transfer funds from the Gun Buy Back Program Trust and Agency Account to support the Auxiliary Police Officers; and

WHEREAS, the funds transferred and donated funds will be used to pay for equipment, training and other expenses associated with maintaining the Auxiliary Police Officers; and

WHEREAS, this Council deems it to be in the best interests of the City of Newburgh and its residents to transfer said funds and accept such donations;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept said donations with the appreciation and thanks of the City of Newburgh on behalf of its residents, businesses and visitors; and

BE IT FURTHER RESOLVED, by this Council that the Comptroller be and he is hereby authorized to transfer the funds in the Gun Buy Back Program Trust and Agency Account to the Auxiliary Police Officer Trust and Agency Account.

RESOLUTION NO.: 46 - 2016

OF

FEBRUARY 22, 2016

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH APPRISS, INC. D/B/A GETCRASHREPORTS.COM TO PROVIDE EXTERNAL ACCIDENT REPORTING MANAGEMENT SERVICES TO THE CITY OF NEWBURGH POLICE DEPARTMENT

WHEREAS, APPRISS, Inc. provides automated external motor vehicle accident reporting management services to law enforcement agencies; and

WHEREAS, the City of Newburgh Police Department proposes to utilize such motor vehicle accident reporting services in order to manage staff and resources more efficiently and effectively; and

WHEREAS, APPRISS, Inc. charges fees only to those requesting the use of such services and will generate additional revenue to the City of Newburgh; and

WHEREAS, the City Council finds that entering into such a contract would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager of the City of Newburgh be and he is hereby authorized to enter into an agreement with APPRISS, Inc. to provide external accident reporting management services to the City of Newburgh Police Department, with such other terms and conditions as may be required by Corporation Counsel, same as being in the best interest of the City of Newburgh.

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Your source for purchasing crash reports online!

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keeping communities safe and informed

Deb Emerson
Sales Account Manager
demerson@appriss.com

A FREE AUTOMATED SOLUTION TO ANALYZE AND SELL CRASH REPORTS.

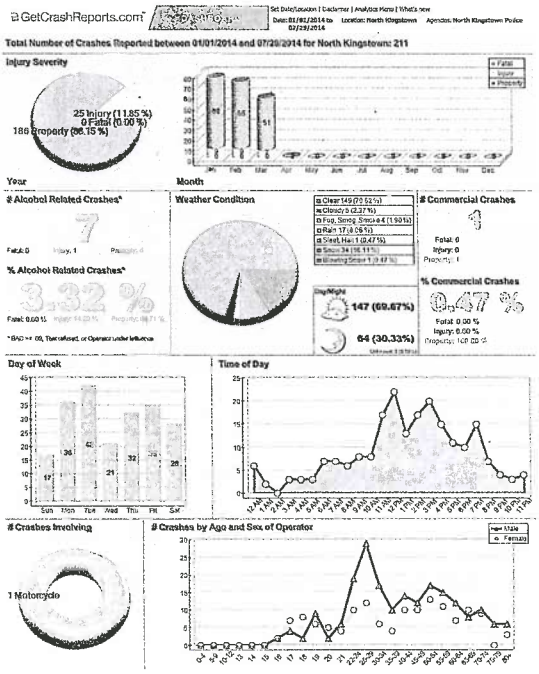
Phone: 978.808.092

10401 Linn Station Road
Louisville, KY 40223
www.appriss.com

GetCrashReports.com is helping police agencies save time and resources by automatically managing external crash report requests while generating additional revenue for your agency.

The benefits from using GetCrashReports.com are:

- Seamless integration with your RMS
- No change in your existing business process
- No fees... ever!
- Higher sale rates than any competitor
- Automated report availability notification
- Powerful analytics included for mapping and trend analysis
- A proven solution that saves departments thousands of dollars
- No faxing, scanning, emailing or printing



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With GetCrashReports.com, there are no hidden charges, and we'll put it in writing! The cost of our solution is covered with each crash report purchased. You'll see that GetCrashReports.com is the most cost effective solution available.

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GetCrashReports.com®

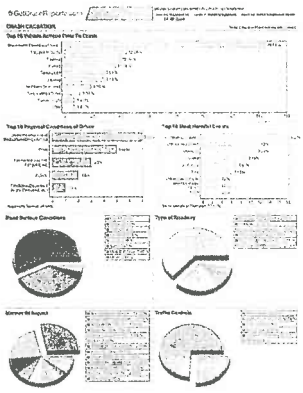
Your source for purchasing crash reports online!

GetCrashReports.com — We do the work so you don't have to.

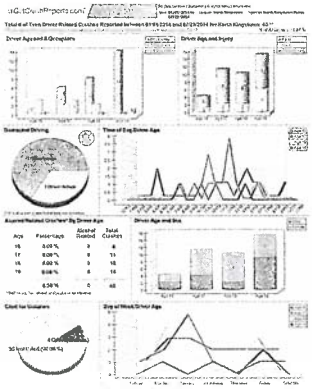
GetCrashReports.com integrates seamlessly with your RMS, making it both powerful and easy to use. You can also free up Records Personnel to focus on more vital services.

Crash mapping, electronic dashboards, and trend analysis tools, all included.

With GetCrashReports.com, your department benefits from a smart set of information management and analysis tools. With the integrated mapping and dashboards, your department can easily spot crash trends and analyze countermeasures Getcrashreports.com is the only product to offer these features!



GetCrashReports.com lets you map and analyze all crashes in your town or city.



Identify crash trends and countermeasure effectiveness with powerful dashboards.

Complete automation eliminates extra work.

A solution shouldn't add extra work to your department, it should eliminate it. We completely automate uploading your crash reports for distribution. With GetCrashReports.com there's no faxing, scanning, emailing or printing.

Getting up and running is simple and fast.

Choose GetCrashReports.com and be online in no time. Since our product works directly with your RMS, we automatically upload your crash reports within 15 minutes from the time they are approved.

Unique Features:

- Powerful analytics included for crash mapping and trend analysis
- Completely automated... no additional work
- Reports available for sale 15 minutes after approval
- Automatic redaction of any crash report field
- Configurable challenge questions before purchase
- Automatic notification of report availability
- Revised report notification
- Real-time financial accounting
- Sales reports by year/month/day
- 24/7 availability
- Investigative search tool
- Motorist cards provided free of charge...forever!

GetCrashReports.com is the most effective and efficient way to sell crash reports.

To find out more about GetCrashReports.com and how it can benefit your department, call us at 1-860-577-0040 or email us at GetCrashReports@appriss.com

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keeping communities safe and informed

Agency Contact Information		
Main Contact (Project Mgr)	Name:	Work #
	Email:	Cell #
IT Contact	Name:	Work #
	Email:	Cell #
Records Supervisor	Name:	Work #
	Email:	Cell #
JX Admin (must be a sworn officer of agency)	Name:	Work #
	Email:	Cell #

GCR Implementation Information

Agency ORI: _____

Total # of Crash Reports for Previous Year _____

Accident Reporting Software _____

Switchboard Phone # _____

Does your agency submit crash reports electronically to the state? Yes _____ No _____

County _____ Time Zone _____

Please list any data fields that need to be redacted _____

MP Implementation Information

Please fill out the following only if your agency will be signing up for MobilePatrol

Website URL _____

Twitter Handle _____

Facebook URL _____

Crime Tip email address: _____

Name of Sheriff or Chief: _____

You'll be provided collision cards free of charge. Please email an electronic copy of your agency patch along with your paperwork for inclusion on the cards for your agency. They will arrive at your agency in approximately 14 days.

Please scan completed form to Deb Emerson at DEmerson@appriss.com. Call 978-808-0929 with any questions at all.

Appriss®

Police Agency Application

PART 1: AGENCY INFORMATION

Agency Name:	Primary Contact Name:
Street Address:	Phone:
City, State, Zip:	Email:

PART 2: OFFERING TO AGENCY

Service Description	Number of User Licenses/Watches/Limits
____ Free State Level JusticeXchange includes NPLEx data ____ National JusticeXchange*	Number of Users ____ (*limit of 5 on free JX*)
____ MobilePatrol with Access to Administrative Console*	Unlimited Users for Administrative Console
____ Collision Mapping	N/A

PART 3: AGENCY CRASH REPORTS

Services

Appriss, Inc. ("Appriss") and the agency identified above ("Agency") agree:

- Appriss will electronically transfer Agency's Crash Reports in a timely manner
- Appriss will store and update, and otherwise maintain as appropriate, both of the Crash Reports and the data extracted from each Crash Report.
- Appriss will distribute Crash Reports on behalf of, and as an agent for, Agency via the internet (e-commerce) and other electronic means and distribute data extracted from Crash Reports.
- Appriss may use the Crash Reports and/or extracted data for purposes permitted by law. Appriss may retain and continue to use the Crash Reports and extracted data following termination.

Crash Report Sales

- **Convenience Fee:** Appriss will impose upon the sale of the Crash Reports a convenience fee, which will be wholly retained by Appriss.
- **Exclusivity**: Agency agrees to direct business requests for Crash Reports or data contained therein solely to Appriss for fulfillment. Agency agrees that Appriss shall have the sole and exclusive right to sell Agency's Crash Reports online and to distribute data extracted from the Crash Reports. Agency retains the freedom to fulfill a request for a Crash Report if required by applicable FOIA laws.

Duration

This Application will have an initial term of one year and shall automatically renew on an annual basis, unless notice of non-renewal is provided at least 30 days prior to the end of the then-current term.

Agency's First Year Right of Termination: Agency may terminate **at any time** during the one-year initial term upon notice to Appriss.

Amount Agency will receive for each full Crash Report sold by Appriss:	$_____

I HEREBY CERTIFY THAT I AM AUTHORIZED TO SIGN THIS AGREEMENT ON BEHALF OF THE AGENCY LISTED ABOVE. I ALSO CERTIFY THAT I HAVE REVIEWED THE TERMS OF THIS APPLICATION AND THE TERMS OF USE AND THAT THE AGENCY SHALL BE BOUND BY THEM.

Signature:_____ **Title:**_____

Print Name:_____ **Date:**_____

Appriss®
10401 Linn Station Road
Louisville, KY 40223-3842
502-561-8463 800-816-0491
www.appriss.com

Participating Agencies in New York:

Bedford Police Department (DV)
Broome County Sheriff's Office
Canandaigua Police Department
Chester Police Department (DV)
Dutchess County Sheriff's Office
Eastchester Police Department (DV)
Fallsburg Police Department
Glens Falls Police Department
Greenwood Lake Police Department (DV)
Johnson City Police Department
Lewiston Police Department
Livingston County Sheriff's Office
Macedon Police Department
Manlius Police Department (DV)
Montgomery County Sheriff's Office (DV)
New Castle Police Department (DV)
Newark Police Department
Niagara County Sheriff's Office
Niagara Town Police Department
North Tonawanda Police Department (DV)
Old Brookville Police Department
Olive Police Department (DV)
Onondaga County Sheriff's Office (DV)
Plattsburgh Police Department
Port Jervis Police Department (DV)
Rye Brook Police Department (DV)
Saratoga County Sheriff's Office
Sleepy Hollow Police Department (DV)
Southampton Police Department
Steuben County Sheriff's Office
Suffolk County Sheriff's Office
Suffolk County Police Department
Tioga County Sheriff's Office (DV)
Troy Police Department (DV)
Tuxedo Police Department (DV)
Ulster Police Department (DV)
Washingtonville Police Department (DV)
Wayne County Sheriff's Office

CRASHLOGIC AGENCY AGREEMENT

By Appriss, Inc.

Please Email to: Deb Emerson
DEmerson@Appriss.com
Telephone: 978-808-0929

CRASHLOGIC SERVICES AGREEMENT

THIS AGREEMENT made effective the _____ day of _____, 2016, by and between the

(Agency Name)_____, having its principal place of business at

(Address)_____, hereinafter called **"Agency"**, and Appriss Inc., a Delaware corporation having offices at 10401 Linn Station Road, Louisville, Kentucky 40223 hereinafter called "Consultant."

WITNESSETH:

WHEREAS, the Agency wishes to provide an avenue for the general public to obtain vehicle crash reports online; and

WHEREAS, the parties are desirous of entering into a contract for said purposes.

NOW THEREFORE, in consideration of the mutual promises and covenants hereinafter contained the parties agree as follows:

1. **SCOPE OF WORK.** Consultant will establish a communication protocol to electronically transfer Agency's historical and prospective crash reports (the "Crash Reports") in a timely manner to Consultant for processing. Once the transfer is complete, Consultant will store and update, and otherwise maintain as appropriate, both the electronic image of the Crash Reports (the "Crash Report Images") and certain data extracted from each Crash Report. Consultant will distribute Crash Report Images on behalf of, and as an agent for, Agency to any person or entity with a proper permissible purpose via the internet (e-commerce) and other electronic means and distribute data extracted from Crash Reports to certain recipients for their use in respective vehicle history reports.

2. **TERM**. Performance of the Scope of Work shall begin as of _____ and automatically renew on an annual basis, unless otherwise terminated by the parties under paragraph 9.

3. **CONSIDERATION.** There is no consideration due from the Agency under this Agreement; instead, Consultant shall be entitled to collect and retain convenience fees received from the sale of the Agency's vehicle crash reports. To the extent that the parties' agree to include JusticeXchange as a tool that the Agency is entitled to use during the term of this Agreement, Agency hereby acknowledges and agrees to the terms of the JusticeXchange Service Agreement located at www.justicexchange.com/jxp/termsofuse (the "Terms of Use"). To the extent that Agency also provides Consultant with booking and/or jail information, Agency agrees to the provisions in the Terms of Use relating to Consultant's use of such information.

4. **EXCLUSIVITY.** In exchange for the information management and analysis software, the Agency agrees that Consultant shall have the sole and exclusive right to sell the Agency's vehicle crash reports online and to distribute data extracted from the reports. The Agency retains the freedom to fulfill a request for a vehicle crash report pursuant to state Freedom of Information laws.

5. **COMPLIANCE WITH LAWS; TERMS FOR ANCILLARY SERVICES.** Consultant covenants and certifies that it will comply with all laws applicable to the performance of the services.

6. **GOVERNING LAW**. The laws of the State of _____, excluding its choice of law provisions, shall govern and control in the event of any dispute arising out of this Agreement.

7. **INDEPENDENT CONTRACTOR STATUS.** Consultant covenants and agrees that it will conduct itself consistent with its status, said status being that of an independent contractor and that itself, its employees or agents will neither hold themselves out as, nor claim to be an officer or employee of the Agency, for such purposes as, but not limited to, Workers' Compensation coverage, Unemployment Insurance Benefits, Social Security or Retirement membership or credit.

8. **HOLD HARMLESS; LIMIT OF LIABILITY.** Consultant shall at all times hold harmless the Agency, its officers, and its employees, together with their officers, agents, servants, and employees, from and against any and all liability, losses, claims, suits, causes of action, costs, expenses, damages or judgments or for the defense or payment thereof, based on any third party claim, action or cause of action based on breach of this Agreement by Consultant. Excluding Consultant's indemnification obligation above, Contractor's liability in any direct claim by the Agency shall not exceed the amount of convenience fees received by Consultant in connection with the sale of the Agency's vehicle crash reports. Under no circumstances shall Consultant be liable for any special, consequential, indirect, or incidental damages.

9. **TERMINATION.** This Agreement will have an initial term of one year and shall automatically renew on an annual basis, unless notice of non-renewal is provided at least 30 days prior to the end of the then-current term. Agency's First Year Right of Termination: Agency may terminate at any time during the one-year initial term upon 30 days written notice to Appriss. Upon receipt of written notice of termination, the Consultant shall immediately cease all work under this Agreement and each party will remit any uncontested outstanding funds, if any, due to the other under this Agreement. Consultant shall have the right to retain any crash reports in its possession following termination of this Agreement and continue to use and resell them or the data contained therein for lawful purposes.

10. **COUNTERPARTS.** This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement.

11. **AMENDMENTS.** This Agreement may be amended, modified or extended only by written instrument duly authorized and executed by the parties with the same formality as this Agreement.

12. **NOTICES.** Any notice or consent required or permitted to be given pursuant to this Agreement shall be given to the respective parties in writing, by ordinary, first class mail or otherwise delivered to the addresses listed above, or any other addresses the parties may from time to time designate. Notices and consents, which are sent by mail, shall be deemed received by the other party five (5) days following their deposit in the U.S. Mail. Consultant agrees to accept service of process at the address listed above in any action brought by the Agency pursuant to this Agreement.

13. **MERGER CLAUSE.** The parties agree the foregoing and the attached exhibits constitute the entire Agreement between the parties and shall supersede any verbal statements or other writings, except an amendment, mutually agreed upon between the parties and in writing and designated as an amendment to this Agreement, shall supersede or vary the positions herein.

14. **PAYMENTS.** Amount Agency will receive for each full Crash Report sold by Appriss: $_____

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

_____	
[AGENCY NAME]:	**APPRISS, INC.**
SIGN:_____	SIGN:_____
PRINT:_____	PRINT:_____
TITLE:_____	TITLE:_____
DATE:_____	DATE:_____

CRASHLOGIC IMPLEMENTION/CONTACT INFORMATION

Agency Contact Information		
Main Contact	**Agency Name:**	
	Name:	Work #
	Email:	Cell #
IT Contact	Name:	Work #
	Email:	Cell #
Records Supervisor	Name:	Work #
	Email:	Cell #
JX Admin (must be a sworn officer of agency)	This section must be completed to setup a new Justice Exchange **(JX)** License.	Justice Exchange National License: (1)
		Work #_____
	Name:	
	Email:	Cell #

CrashLogic Implementation Information

Agency ORI #: _____

Total # of crash reports for previous year: _____

RMS Vendor _____

Crash Reporting Software _____

Does your agency submit crash reports electronically to the state? Yes _____ **No** _____

State _____ **County** _____ **Time Zone** _____

Additional Notes:_____

Please return completed agreement to Deb Emerson, DEmerson@appriss.com. Any questions, please call 978-808-0929.

Also, please provide the image you want to appear on your customized motorist cards.

Thank you for choosing to participate.

RESOLUTION NO.: 47 - 2016

OF

FEBRUARY 22, 2016

A RESOLUTION ADOPTING
RULES OF ORDER AND PROCEDURE
FOR THE COUNCIL OF THE CITY OF NEWBURGH
FOR THE YEAR 2016

BE IT RESOLVED, that the Council of the City of Newburgh, New York adopts for use during the year 2016 the Rules of Conduct and Procedure: By Laws, a copy of which is attached hereto and made a part of this Resolution; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

City of Newburgh City Council
Rules of Order and Procedure

Rule I: General Rules of Procedure

A. The presiding officer shall preserve order and decorum and shall decide questions of order, subject to an appeal by motion to the City Council; the appeal to be taken without debate**.** The presiding officer may, if (s)he so desires, present motions and resolutions to the City Council, and (s)he may debate on any question which is being considered by it.

B. When a question is under consideration, no motion shall be entertained except as herein specified, which shall have precedence in the following order:

1. Motion for clarification, or to request reversal of ruling of the presiding officer, or limiting or extending discussion;
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3. Lay on table;
4. Postpone to a meeting of a certain date;
5. Refer to work session;
6. Amend;
7. Call the previous question, to be asked as follows: "Shall the main question be put now?" If answered in the negative, the main question remains before the Council.

C. A motion to lay a question on the table shall be decided without amendment or debate, and a motion to postpone shall be decided without debate.

D. A motion to adjourn shall always be in order and shall be decided without debate.

E. Every member desiring to speak shall address the presiding officer. All council members shall confine him/herself to the question under debate and avoid personalities. A member once recognized shall not be interrupted when speaking.

F. No question or motion shall be debated or put, unless it is seconded. It shall then be stated by the presiding officer.

G. A motion to reconsider any action taken by the Council may be made on the day such action was taken, either immediately during the session or at a recessed or adjourned session. Such motion must be made by a member on the prevailing side, but may be seconded by any member. The motion is subject to debate. This rule shall not prevent any member of the Council from making or re-making the same or any other motion at a subsequent meeting of the Council.

H. No member of the Council shall by conversation or otherwise delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to comply with these rules, or the orders of its presiding officer. The Presiding Officer, subject to appeal by motion to the Council, may direct a member who is acting in violation of this section to leave the meeting or call for a recess or adjournment.

I. As the sergeant-at-arms of the meetings, the Police Chief shall carry out all order and instructions given by the presiding officer, for the purpose of maintaining order and decorum at the meetings, subject to an appeal by motion, to the Council.

J. Any motion may be withdrawn by the maker before it has been amended or voted upon, but in such case any other member may renew the motion at that time.

Rule II. Order of Business

A. The Order of Business shall be in conformity with section 20-3 of the Code of Ordinances.

B. The Order of Business may be departed from by majority vote of the members present.

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D. No resolution, ordinance or local law may be introduced at a meeting unless the resolution, ordinance or local law has been considered at a work session of the Council prior to the Council meeting or is listed on the written agenda for said meeting. Notwithstanding the foregoing, by majority vote, an emergency item concerning the public health, safety or welfare not discussed at work session or appearing on the written agenda may be introduced, considered, and voted upon.

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5. Speakers may not yield any remaining time they may have to another speaker.

6. Council members may, with the permission of the presiding officer, interrupt a speaker during their remarks, but only for the purpose of clarification or information.
7. All remarks shall be addressed to the Council as a body and not to any specific member or to staff.
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9. Interested parties or their representatives may address the Council by written communications. Written communications shall be delivered to the Clerk or their designee. Speakers may read written communications verbatim.

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All members of the public and all public officials are allowed to audio or video record public meetings. Recording is not allowed during executive sessions. The recording should be done in a manner which does not interfere with the meeting. The presiding officer, subject to appeal by motion to the Council, may make the determination that the recording is being done in an intrusive manner, taking into consideration, but not limited to, brightness of lights, distance from the deliberations of the Council, size of the equipment, and the ability of the public to still participate in the meeting. If the presiding officer makes the determination that the recording is intrusive and has the effect of interfering with the meeting, (s)he may request an accommodation to avoid the interference and if not complied with, may ask the individual to leave the meeting room.

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The following rules shall apply to a legally required public hearing held before the City Council:

(a) Speakers shall sign-in with the Clerk in writing prior to the beginning of the hearing by providing their name, street name without number, and organization, if any. Individuals arriving after the commencement of the hearing shall be permitted to register upon arrival as long as the Chairperson has not closed the hearing.

(b) The Presiding Officer shall recognize each speaker, in the order listed on the sign-in sheet, when the hearing is commenced. Speakers shall identify themselves, their street name and organization, if any, prior to the remarks.

(c) Speakers must limit their remarks to five (5) minutes. Remarks shall be addressed only to the hearing issues. Speakers may not yield any remaining time they may have to another speaker. The City Clerk shall time speakers and advise the presiding officer when the time has expired.

(d) All remarks shall be addressed to the Council as a body and not to any individual member thereof.

(e) Speakers shall observe the commonly accepted rules of courtesy, decency, dignity and good taste. Any loud, boisterous individual shall be asked to leave by the Presiding Officer and may be removed at the request of the Presiding Officer, subject to appeal by motion to the Council. Speakers addressing issues outside the scope of the hearing shall be asked to cease their comments.

(f) Interested parties may address the Council by written communication. The statements may be read at the hearing, but shall be provided to all Council members and entered in the minutes of the hearing by the City Clerk.

(g) The City Clerk shall include in the minutes of the hearing the name, address and organization, if any, of each speaker, a summary of the remarks, and written statements submitted to the Council.

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There shall be regular work sessions of the Council to be held each Thursday preceding a Monday evening Council meeting. The work sessions shall be held at 6:00 p.m. in City Hall, 83 Broadway, Third Floor Council Chambers, unless the Council by majority vote cancels or changes the time or place of such session. The Rules IV, V, VI, and VIII of the Rules of Order of the Council shall apply to all work sessions. Work Session items requiring the preparation of a resolution, ordinance or local law shall be submitted to the City Manager's office no later than close of business on Wednesday in the week before the work session. Discussion items for work sessions shall be submitted to the City Manager's office no later than noon on the Friday immediately preceding the work session. The 2016 Council Meeting schedule is attached to these Rules and Order of Proceedings.

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In the event any question in procedure shall arise that is not provided for by these rules, then, in that event, Robert's Rules of Order, Newly Revised, 10th Edition, shall be followed.

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Provided the proposed adoption of an ordinance has been placed on an agenda for a meeting of the Council at which the public is afforded the opportunity to comment on agenda items before Council action, a formal public hearing will not be conducted prior to the adoption of such ordinance, unless otherwise required by federal, state, or local law, ordinance, rule or regulation.

This rule shall not be construed to prevent the Council from holding a public hearing on any ordinance at its discretion, provided a majority of the members of the Council in attendance at a meeting, upon a motion or resolution duly introduced, vote to conduct such public hearing.

Date Adopted: May 14, 2001
Amended: February 25, 2002 (Rule XII added)
January 10, 2014 (Rule IV)
February 22, 2016

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City of Newburgh

City Hall- 83 Broadway
Newburgh, New York 12550
Phone: 845-569-7301
Facsimile: 845-569-7370

2016 Work Session and Council Meeting Schedule Page 1

Thursday, January 7	Work Session
Monday, January 11	Council Meeting
Thursday, January 21	Work Session
Monday, January 25	Council Meeting
Thursday, February 4	Work Session
Monday, February 8	Council Meeting
Thursday, February 18	Work Session
Monday, February 22	Council Meeting
Thursday, March 10	Work Session
Monday, March 14	Council Meeting
Thursday, March 24	Work Session
Monday, March 28	Council Meeting
Thursday, April 7	Work Session
Monday, April 11	Council Meeting
Thursday, April 21	Work Session
Monday, April 25	Council Meeting
Thursday, May 5	Work Session
Monday, May 9	Council Meeting
Thursday, May 19	Work Session
Monday, May 23	Council Meeting

City of Newburgh

City Hall - 83 Broadway
Newburgh, New York 12550
Phone: 845-569-7301
Facsimile: 845-569-7370

2016 Work Session and Council Meeting Schedule Page 2

Thursday, June 9	Work Session
Monday, June 13	Council Meeting
Thursday, July 7	Work Session
Monday, July 11	Council Meeting
Thursday, August 4	Work Session
Monday, August 8	Council Meeting
Thursday, September 8	Work Session
Monday, September 12	Council Meeting
Thursday, September 22	Work Session
Monday, September 26	Council Meeting
Thursday, October 6	Work Session
Tuesday, October 11	Council Meeting
Thursday, October 20	Work Session
Monday, October 24	Council Meeting
Thursday, November 10	Work Session
Monday, November 14	Council Meeting
Thursday, November 24	Work Session (Thanksgiving Day)
Monday, November 28	Council Meeting
Thursday, December 8	Work Session
Monday, December 12	Council Meeting
Thursday, December 22	Work Session
Tuesday, December 27	Council Meeting

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C. Members of the public not speaking shall observe commonly accepted rules of courtesy and decorum. They shall not annoy or harass others or speak when another speaker is being heard by the Council.

Rule VIII. Use of Recording Equipment

All members of the public and all public officials are allowed to audio or video record public meetings. Recording is not allowed during executive sessions. The recording should be done in a manner which does not interfere with the meeting. The presiding officer, subject to appeal by motion to the Council, may make the determination that the recording is being done in an intrusive manner, taking into consideration, but not limited to, brightness of lights, distance from the deliberations of the Council, size of the equipment, and the ability of the public to still participate in the meeting. If the presiding officer makes the determination that the recording is intrusive and has the effect of interfering with the meeting, (s)he may request an accommodation to avoid the interference and if not complied with, may ask the individual to leave the meeting room.

Rule IX. Rules for Public Hearings

The following rules shall apply to a legally required public hearing held before the City Council:

(a) Speakers shall register in writing prior to the beginning of the hearing by providing their name, address, and organization, if any. Individuals arriving after the commencement of the hearing shall be permitted to register upon arrival as long as the Chairperson has not closed the hearing.

(b) The Presiding Officer shall recognize each speaker, in the order registered, when the hearing is commenced. Speakers shall identify themselves, their address and organization, if any, prior to the remarks.

(c) Speakers must limit their remarks to five (5) minutes. Remarks shall be addressed only to the hearing issues. Speakers may not yield any remaining time they may have to another speaker. The City Clerk shall time speakers and advise the presiding officer when the time has expired.

(d) All remarks shall be addressed to the Council as a body and not to any individual member thereof.

DRAFT

(e) Speakers shall observe the commonly accepted rules of courtesy, decency, dignity and good taste. Any loud, boisterous individual shall be asked to leave by the Presiding Officer and may be removed at the request of the Presiding Officer, subject to appeal by motion to the Council. Speakers addressing issues outside the scope of the hearing shall be asked to cease their comments.

(f) Interested parties may address the Council by written communication. The statements may be read at the hearing, but shall be provided to all Council members and entered in the minutes of the hearing by the City Clerk.

(g) The City Clerk shall include in the minutes of the hearing the name, address and organization, if any, of each speaker, a summary of the remarks, and written statements submitted to the Council.

Rule X. Work Sessions

There shall be regular work sessions of the Council to be held each Thursday preceding a Monday evening Council meeting. The work sessions shall be held at 6:00 p.m. in City Hall, 83 Broadway, Third Floor Council Chambers, unless the Council by majority vote cancels or changes the time or place of such session. The Rules IV, V, VI, and VIII of the Rules of Order of the Council shall apply to all work sessions. Work Session items requiring the preparation of a resolution, ordinance or local law shall be submitted to the City Manager's office no later than close of business on Wednesday in the week before the work session. Discussion items for work sessions shall be submitted to the City Manager's office no later than noon on the Friday immediately preceding the work session. The 2016 Council Meeting schedule is attached to these Rules and Order of Proceedings.

Rule XI. Robert's Rules of Order

In the event any question in procedure shall arise that is not provided for by these rules, then, in that event, Robert's Rules of Order, Newly Revised, 10th Edition, shall be followed.

Rule XII. Adoption of Ordinances

Provided the proposed adoption of an ordinance has been placed on an agenda for a meeting of the Council at which the public is afforded the opportunity to comment on agenda items before Council action, a formal public hearing will not be conducted prior to the adoption of such ordinance, unless otherwise required by federal, state, or local law, ordinance, rule or regulation.

This rule shall not be construed to prevent the Council from holding a public hearing on any ordinance at its discretion, provided a majority of the members of the Council in attendance at a meeting, upon a motion or resolution duly introduced, vote to conduct such public hearing.

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Date Adopted: May 14, 2001
Amended: February 25, 2002 (Rule XII added)
January 10, 2014 (Rule IV)

DRAFT

City of Newburgh, NY
Friday, September 19, 2014

Chapter C. CHARTER

Article IV. City Council

§ C4.01. Rules of order.

[Amended 5-5-1941 by L.L. No. 1-1941; 2-24-1947 by L.L. No. 1-1947; 12-26-1951 by L.L. No. 3-1951; 3-3-1952 by L.L. No. 2-1952; 12-22-1952 by L.L. No. 10-1952; 2-12-1980 by L.L. No. 1-1980; 1-24-1983 by L.L. No. 1-1983]

A. The Council shall determine the rules of its own proceedings and be the judge of the election, returns and qualifications of its members. The Council may compel the attendance of absent members at any meeting properly called and may punish or expel a member for disorderly conduct or declare his seat vacant by reason of inexcusable absence, provided that such absence has continued for four consecutive regular meetings, but no expulsion shall take place and no vacancy on account of absence shall be declared until the delinquent member has had an opportunity to be heard in his defense.

B. Except as in this section especially regulated, the legislative powers of the Council may be exercised as provided by rules or ordinances adopted by it.

C. Each member of the Council shall have the right to vote on any question coming before it. A majority of the Council shall constitute a quorum, and the affirmative vote of a majority of all the members of the Council shall be necessary to adopt any motion, resolution or ordinance.

D. Regular meetings of the Council shall be held on the second and fourth Mondays of each month, except the months of June, July and August. Regular meetings of the Council shall be held on the second Mondays of June, July and August. If a regular meeting falls on a legal holiday, the meeting shall be held on the day following such legal holiday. All regular meetings shall be held at the time and place fixed by ordinance or resolution of the Council. Special meetings may be called by any member of the Council on three days' notice, which notice shall specify the object of the meeting. All legislative sessions shall be open to the public, and every matter coming before the Council for disposition shall be put to a vote whereon the ayes and nays shall be called and recorded. A full and accurate journal of the proceedings of

the Council shall be kept by the City Clerk, which journal shall be open to the inspection of any elector of the City at any reasonable time.

E. The Council may change the date, time or place of any regular or special meeting provided for in Subsection **D** of this section or may cancel such meeting either by resolution passed at the immediately preceding regular or special meeting or by consent of the Council at any time prior to the scheduled meeting.

F. An emergency meeting may be called on less than three days' notice by the City Manager or a majority of the City Council upon reasonable notice, which notice shall specify the object of the meeting.
[Added 12-11-1995 by L.L. No. 4-1995]

City of Newburgh, NY
Monday, December 21, 2015

Chapter 20. Council, City

§ 20-1. Meetings.

[Amended 4-28-1986 by Ord. No. 7-86; 6-13-1988 by L.L. No. 4-1988; 4-9-1990 by L.L. No. 12-1990]
All meetings of the Council will be held at the City of Newburgh Activity Center in the Recreation Park at the corner of Washington Street and Lake Street, Newburgh, New York, at 7:30 p.m. or at such other time and place as the Council may direct. Any meeting so held may be adjourned to a different time and place within the City by vote of a majority of the Council.

§ 20-2. Appearances before Council work sessions.

A. Persons or groups wishing to address or appear before work sessions of the Council must submit a request in writing to the City Manager indicating:

   (1) The name of the person or group, address and telephone number.

   (2) The subject matter to be addressed.

   (3) The time and date requested.

B. Also, a member of the Council may ask the City Manager to put a particular person or group on the agenda to address the Council at a work session.

C. Such requests by individuals or groups may be granted by the City Manager, in his discretion. Such requests by a Council member shall be put on the work session agenda, but, in either case, if one or more Council members so request, the question of permission to address a Council work session shall be put to a Council vote for Council determination.

§ 20-3. Order of business.

[Amended 11-8-1999 by Ord. No. 13-99[1]]
The business of the Council shall be conducted in the following order:

A. Roll call.

B. Approval of minutes of previous meeting.

C. Communications.

D. Public hearings.

E. Public comments regarding report of City Manager and items of old business and new business.

F. Comments from the Council.

G. Report of City Manager.

H. Old business.

I. New business.

J. Public comments regarding general matters of City business.

K. Further comments from the Council.

[1] *Editor's Note: This ordinance provided that it would take effect at the next City Council meeting subsequent to its adoption.*

§ 20-4. Sergeant at Arms.

The Chief of Police shall be the Sergeant at Arms of the Council and shall attend all of its meetings.

§ 20-5. Record of vote on ordinances; date of passage.

The City Clerk shall attach to every ordinance passed by the Council the names of the Councilmen voting in the affirmative and the negative and the date of its passage.

§ 20-6. Recording and filing of ordinances; proof of publication.

All ordinances passed by the Common Council shall be recorded by the City Clerk in a proper book or books, with indexes. The originals shall be filed in the City Clerk's office, and due proof of the publication of all ordinances requiring publication, by the certificate of the publisher or printer, shall be procured by the Clerk and attached thereto or written and attested upon the face of the record of such ordinance.

§ 20-7. When ordinances effective.

[Amended 6-13-1988 by L.L. No. 4-1988]
All ordinances shall take effect immediately upon their publication, unless an ordinance shall otherwise specify the time when it shall go into effect.

§ 20-8. Official newspaper.

[Amended 10-13-1992 by Ord. No. 22-92; 10-13-1998 by Ord. No. 17-98; 6-14-1999 by Ord. No. 2-99[1]; 4-22-2002 by Ord. No. 11-2002]
The Mid-Hudson Times, The Sentinel and the Hudson Valley Press shall be the official newspapers of the City. All notices and advertisements published by direction of the Council shall be published in all said official newspapers.

[1] *Editor's Note: This ordinance provided that it would take effect 7-1-1999.*

RESOLUTION NO.: _48_ - 2016

OF

FEBRUARY 22, 2016

A RESOLUTION RESCINDING RESOLUTION NO. 291-2015 OF NOVEMBER 9, 2015 WHICH AUTHORIZED THE CITY MANAGER TO ENTER INTO A LEASE WITH GEORGE FIGUEROA FOR THE RENTAL OF 44 JOHNES STREET UNIT 206-J

WHEREAS, by Resolution No. 291-2015 of November 9, 2015, the City Council of the City of Newburgh authorized the City Manager to execute a lease agreement with George Figueroa for rental of the premises known as 44 Johnes Street, Unit 206-J for the rental amount of Seven Hundred ($700.00) Dollars per month, together with such other terms and conditions as may be deemed appropriate and necessary by the City Manager and the Corporation Counsel; and

WHEREAS, the lease agreement remains unsigned and the rent due remains unpaid; and

WHEREAS, this Council finds that rescinding the prior resolution authorizing the execution of a lease agreement is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Resolution No. 291-2015 of November 9, 2015 be and hereby is rescinded and that the City Manager and the Corporation Counsel be and hereby are authorized to take further and necessary action to regain possession of the premises and to effectuate the purposes of this resolution.

RESOLUTION NO.: ___49_____-2016

OF

FEBRUARY 22, 2016

A RESOLUTION APPROVING THE CONSENT JUDGMENT AND AUTHORIZING THE CITY MANAGER TO SIGN SUCH CONSENT JUDGMENT IN CONNECTION WITH THE TAX CERTIORARI PROCEEDINGS AGAINST THE CITY OF NEWBURGH IN THE ORANGE COUNTY SUPREME COURT BEARING ORANGE COUNTY INDEX NOS. 6147-2012, 5375-2013, 4945-2014 and 5163-2015 INVOLVING SECTION 34, BLOCK 4, LOT 1.12 (RITE AID OF NEW YORK #10709-01)

WHEREAS, Rite Aid of New York #10709-01 has commenced tax certiorari proceedings against the City of Newburgh in the Supreme Court of the State of New York, County of Orange for the 2012-2013, 2013-2014, 2014-2015 and 2015-2016 tax assessment years bearing Orange County Index Nos. 6147-2012, 5375-2013, 4945-2014 and 5163-2015; and

WHEREAS, it appears from the recommendation of the City Assessor, Joanne Majewski, and Richard B. Golden, Esq. of Burke, Miele & Golden, LLP, Special Counsel for the City of Newburgh in the aforesaid proceeding, upon a thorough investigation of the claims that further proceedings and litigation by the City would involve considerable expense with the attendant uncertainty of the outcome, and that settlement of the above matter as more fully set forth below is reasonable and in the best interests of the City; and

WHEREAS, Rite Aid of New York #10709-01 is willing to settle these proceedings without interest, costs or disbursements, in the following manner:

1- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2012-2013 as tax map number 34-4-1.12 be reduced to a market value of $1,410,500.
2- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2013-2014 as tax map number 34-4-1.12 be reduced to a market value of $1,410,500.
3- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2014-2015 as tax map number 34-4-1.12 be reduced to a market value of $1,410,500.
4- That the real property of Petitioner described on the City of Newburgh tax roll for the tax year 2015-2016 as tax map number 34-4-1.12 be reduced to a market value of $1,410,500.

NOW, THEREFORE BE IT RESOLVED, that the proposed settlement as set forth and described above, and the attached Consent Judgment are hereby accepted pursuant to the provisions of the General City Law and other related laws.

BE IT FURTHER RESOLVED, that Michael G. Ciaravino, City Manager of the City of Newburgh; Joanne Majewski, Assessor of the City of Newburgh; Richard B. Golden, Esq. on behalf of Burke, Miele & Golden, LLP, and Eric D. Ossentjuk, Esq. of Catania, Mahon, Milligram & Rider, PLLC, as Special Counsel, be and they hereby are designated as the persons for the City who shall apply for such approval pursuant to the aforesaid laws.

SUPREME COURT – STATE OF NEW YORK
COUNTY OF ORANGE
----------x
In the Matter of
RITE AID OF NEW YORK #10709-01,

Petitioner,

CONSENT JUDGMENT

- against -

THE ASSESSOR AND THE BOARD OF ASSESSMENT REVIEW OF THE CITY OF NEWBURGH, AND THE CITY OF NEWBURGH, COUNTY OF ORANGE, NEW YORK,

Respondents.

Index Nos. 2012-6147
2013-5375
2014-4945
2015-5163

For review of a Tax Assessment under Article 7
Of the Real Property Tax Law
----------x

PRESENT: HON. CATHERINE M. BARTLETT

UPON THE CONSENT attached hereto duly executed by the attorneys for all the parties and by all the parties, it is

ORDERED, that the real property of Petitioner described on the City of Newburgh tax rolls for the 2012-2013, 2013-2014, 2014-2015 and 2015-2016 tax years, as follows:

Tax Map No. 34-4-1.12

be reduced in market value, prior to the application of any real property tax exemptions, if any, as follows:

Assessment Year	Original Assessment	Revised Assessment	Amount of Reduction
2012-2013	$1,691,100	$1,410,500	$280,600
2013-2014	$1,691,100	$1,410,500	$280,600
2014-2015	$1,652,900	$1,410,500	$242,400
2015-2016	$1,652,900	$1,410,500	$242,400

and it is further

ORDERED, that the Petitioner's real property taxes on said parcel above described for the 2012-2013, 2013-2014, 2014-2015 and 2015-2016 School, County and City taxes be adjusted accordingly and that any overpayment by Petitioner be refunded upon the entering of this Consent Judgment with the Orange County Clerk's Office; and it is further,

ORDERED, that the officer or officers having custody of the aforesaid City of Newburgh assessment rolls shall make or cause to be made upon the proper books and records and upon the assessment roll of said City the entries, changes and corrections necessary to conform such reduced market values; and it is further,

ORDERED, that there shall be audited, allowed and refunded to the Petitioner by the City of Newburgh and/or the County Commissioner of Finance, as the case may be, the amount, if any, paid as City taxes and City Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

ORDERED, that there shall be audited, allowed and refunded to the Petitioner by the City of Newburgh, the County of Orange, and/or the County Commissioner of Finance, as appropriate and/or required by statute, the amounts, if any, paid as County taxes and County Special District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

ORDERED, that there shall be audited, allowed and refunded to the Petitioner by the Newburgh City School District, the amount, if any, paid as School District taxes against the original assessments in excess of what said taxes would have been if the market values had been determined as herein; and it is further,

ORDERED, that all tax refunds hereinabove directed to be made by Respondents and/or any of the various taxing authorities be made by check or draft payable to the order of JANATA, LACAP & ASSOCIATES, PC, as attorneys for the Petitioner, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law § 475; and it is further

ORDERED, that the provisions of Real Property Tax Law § 727 shall be applicable to the 2016-2017, 2017-2018 and 2018-2019 assessment years; and it is further,

ORDERED, that in the event that the refunds are made within sixty (60) sixty days after service of the Order with notice of entry, there shall be no interest, otherwise, interest shall be paid in accordance with the applicable statute, and it is further;

ORDERED, that these proceedings are settled without costs or disbursements to either party as against the other.

Signed: March ___, 2016
Goshen, New York

ENTER: _____
HON. CATHERINE M. BARTLETT
SUPREME COURT JUSTICE

ON CONSENT:

_____
Michael G. Ciaravino
City Manager
Dated:

_____
STEVEN E. NAGENGAST, ESQ.
Janata, LaCap & Associates, PC
Attorney for the Petitioner
Dated:

_____
Joanne Majewski
Assessor
Dated:

_____
RICHARD B. GOLDEN, ESQ.
Burke, Miele & Golden, LLP
Attorney for Respondents (2012, 2013)
Dated:

_____
ERIC D. OSSENTJUK, ESQ.
Catania, Mahon, Milligram & Rider, PLLC
Attorney for Respondents (2014, 2015)
Dated: